

**MINUTES OF THE
GREENSBORO ZONING COMMISSION**

APRIL 12, 2004

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, April 12, 2004, at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building, Greensboro, North Carolina. Members present were Chair Gary Wolf, Paul Gilmer, Bill Schneider, Janet Wright, Tony Collins, Maureen McDonnell, Brian Byrd, J.D. Haynes and Portia Shipman. The Planning Department was represented by Robert W. Morgan, Assistant City Manager, and Bill Ruska, Zoning Administrator. Bill Judge and Carrie Reeves represented Greensboro Department of Transportation (GDOT) and Blair Carr, Esq., represented the City Attorney's Office.

Chair Wolf welcomed everyone to the Zoning Commission regular meeting. He explained the procedures of the meeting. He further advised that the meeting was being recorded and also televised on Channel 13, and was being closed captioned for the hearing impaired.

Chair Wolf stated that if any person was going to speak on a request, at the appointed time come he/she should come to the speakers stand and give their name and address for the record. He further advised that each side would be limited to a total of 25 minutes, regardless of the number of persons speaking for that particular side. Each side may also have an additional 5 minutes for rebuttal.

APPROVAL OF MINUTES OF THE MARCH 8, 2004 REGULAR MEETING.

Ms. Wright moved approval of the minutes for the March 8, 2004 regular meeting as written, seconded by Mr. Gilmer.

Chairman Wolf said he wanted to point out one thing that was not an error, but he misspoke himself. When they were doing the requests of A&T State University, he made the comment comparing that to UNCG and he misspoke and said Spring Garden Street and what he really meant was Aycock Street. He said A&T was outside the margins of their Master Plan. UNCG's Master Plan, as far as he knew, stops at Aycock. So he thought A&T's request was no different than UNCG coming to us and saying they wanted a parking lot on the other side of Aycock, and that was what he meant to say. So that was really not an amendment, but he said he did misspeak and saw that memorialized in the minutes.

The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes, Shipman. Nays: None.)

CHANGES IN AGENDA

Chairman Wolf said there were several continuances to deal with, as well as one withdrawal to deal with first.

Chairman Wolf said the first one was Item C, which was going to request a continuance, and two of the Commissioners cannot even participate in that vote for continuance. Mr. Byrd's firm represents the applicant and Chairman Wolf's law firm does some work for some people who possibly are objecting to it who have buildings in the area so he was going to recuse himself and Vice Chair Collins will handle that continuance. He said he believed they had a request to amend it and then continue it.

C. AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AN ASPHALT PLANT AND ACCESSORY USES, INCLUDING OFFICE USES WITH THE FOLLOWING CONDITION: 1) PROPERTY WILL BE DEVELOPED IN ACCORDANCE WITH "PROPOSED SKETCH PLAN FOR SHARPE BROTHERS, INC.," DATED FEBRUARY 12, 2004. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF TARRANT ROAD AND WEST SIDE OF BOULDER ROAD NORTHEAST OF BEECHWOOD DRIVE - FOR RALPH D. AND BETTY T. STOUT. (CONTINUED)

Vice Chair Collins said they would do Item C first because it would only take a couple of minutes and then they would return to Item A.

Charlie Melvin, Esq., 300 North Greene Street, stated that he represented the applicant for the Special Use Permit, Sharpe Brothers, to permit the operation of an asphalt plant on property owned by Ralph Stout, Jr. There had been several requests for a continuance of this item. He had indicated to Ivan Clayton, the person with whom he had worked for two or three months on this request, that it is a custom of the Zoning Commission to grant a continuance for the first time and he has suggested that they agree to that.

As indicated, they would like to ask that prior to the continuance a condition be added as follows:

- 2) A 100 foot wide undisturbed buffer shall be provided along the entire frontage of the property on Tarrant Road and supplemented with plantings where necessary to achieve a Type A planting rate.

Attorney Melvin said he thought there was a reference to that in the staff report.

Ms. Wright moved the acceptance of the additional condition on Item C for the Special Use Permit, seconded by Mr. Gilmer. The Commission voted 7-0-2 in favor of the motion. (Ayes: Gilmer, Schneider, Wright, Collins, McDonnell, Haynes, Shipman. Nays: None. Abstain: Wolf, Byrd.)

Attorney Melvin said Mr. Clayton, the principal of the company seeking the Special Use Permit, has over 20 years of experience in operating a number of asphalt plants. He has indicated from the beginning that he felt this plant could be operated on this site without injury or damage to anyone. Attorney Melvin said his request would be for all of those who are interested in it, rather than just use the continuance to construct their opposition, to undertake to get the facts. Hopefully they will bear out Mr. Clayton's optimism about it being operable without damage to anyone. His telephone number is 378-9739 and his name is Ivan Clayton.

Ms. Wright moved that Item C, the request for a Special Use Permit, be continued until the Commission's next meeting, seconded by Mr. Gilmer. The Commission voted 7-0-2 in favor of the motion. (Ayes: Gilmer, Schneider, Wright, Collins, McDonnell, Haynes, Shipman. Nays: None. Abstain: Wolf, Byrd.)

Vice Chair Collins then turned the meeting over to Chairman Wolf.

Bill Ashley said he was a property owner on Boulder Road and he was a representative of the Boulder Road property owners. He appreciated Mr. Melvin's attitude that this is going to be an improvement in their area. He said his only request was that he was not convinced as a result of talking to two appraisers that 30 days will be enough for them to do an evaluation that can give this justice so they could make a good business decision as to why this would be good for them. He had a letter from an appraiser that says he needs 4 to 6 weeks before he can get started on it and then after that, he would immediately get on it, but will need another 2 or 3 weeks. They have contacted an attorney and their law firm also would like to have the correct and proper time to adequately look at this so they can look at the environmental impact, at the traffic impact, and as business owners, they want to be sure they are doing this correctly. So two months would be their request.

Vice Chair Collins said he would have to defer to staff because he thought the applicant was the one that had to ask for the continuance. He asked if they could extend the continuance beyond what the applicant had asked for?

Mr. Ruska said the Commission could extend up to 60 days. Beyond 60 days, then you have to have all parties agreeable to that extension.

Mr. Gilmer said he would like to hear from Attorney Melvin on that request.

Attorney Melvin returned to the podium and stated the applicant would like to keep to the 30 days and obviously they can come back at that meeting, and if their efforts have not been brought to fruition, then he thought the Zoning Commission could then grant another continuance. The applicant would like to adhere to the 30 days, but obviously they will submit to the will of the Zoning Commission.

Vice Chair Collins asked if it was the pleasure of the Zoning Commission to reconsider this request? If not, they would move on to the next item. He said there would be a 30-day continuance as the Commission had voted earlier.

H. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-9 RESIDENTIAL SINGLE FAMILY - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF WEST FRIENDLY AVENUE BETWEEN CANNON ROAD AND LIPSCOMB ROAD - FOR LAUREN D. WATERMAN. (WITHDRAWN)

Chairman Wolf asked if it were not correct that Item H had been requested to be withdrawn?

Mr. Ruska said that was correct.

Ms. Wright moved that Item H, an ordinance rezoning from RS-12 Residential Single Family to RS-9 Residential Single Family, be withdrawn, seconded by Mr. Schneider. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes, Shipman. Nays: None.)

L. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CONDITIONAL DISTRICT - HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN THE HB ZONING DISTRICT EXCEPT THE FOLLOWING: SEXUALLY ORIENTED BUSINESSES, JUNKED MOTOR VEHICLES, AND LAND CLEARING AND INERT DEBRIS LANDFILLS. MAXIMUM OF ONE CURB CUT FOR ACCESS TO THE SUBJECT PROPERTY FROM BATTLEGROUND AVENUE. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTHEAST SIDE OF BATTLEGROUND AVENUE BETWEEN CARROLL STREET AND ELAM AVENUE - FOR MRF CORPORATION. (CONTINUED)

Chairman Wolf said the last item for continuance was Item I, represented by Attorney Isaacson.

Marc Isaacson, Esq., 101 West Friendly Avenue, stated he represented MRF Corporation, which is the owner of this property on Battleground Avenue, as well as an individual who has agreed by contract to purchase the property. The proposed buyer is still conducting his examination of the property to determine the feasibility of purchasing it. Unfortunately, they just have not been able to finalize all of the issues or decisions that need to be made and so it's not quite ripe for the rezoning hearing yet. So he said he would respectfully ask that this matter be continued until the Commission's May meeting.

Chairman Wolf asked if there was anyone in the audience who wished to speak to Item I, and no one came forward.

Ms. Wright moved that Item I, an ordinance rezoning from Light Industrial to Conditional District - Highway Business with the conditions as set forth in the application, be continued until the Commission's May meeting, seconded by Mr. Collins. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes, Shipman. Nays: None.)

PUBLIC HEARINGS:

A. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO HIGHWAY BUSINESS FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF WEST LEE STREET BETWEEN WARREN STREET AND FULLER STREET - FOR ELIZABETH KING. (CONTINUED FROM MARCH 8, 2004 MEETING) (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chairman Wolf asked if there was anyone present who wished to speak in favor of this request.

Elizabeth King introduced her business partner and life-long friend, Arthur Goodman. She said they were aware that rezoning had been requested previously for this location and denied. She said they respectfully asked the Commission's reconsideration for the following reasons: (a) the previous request for rezoning was for Heavy Industrial. This did not conform to Connections 2025. Connections 2025 cites that this area shall be zoned as commercial. Their request does conform to Connections 2025 and she respectfully requested that the zoning be changed from Light Industrial to commercial. (b) Members of the Zoning Department support their request. (c) In speaking with GDOT, there will not be a need for a transportation impact study for the location on Lee Street. (d) Surrounding merchants and businesses have signed a petition expressing support for their request and the Commissioners have a copy of this petition. She read the beginning portion of the petition, which said the signers of the petition supported rezoning of the property so that a nightclub would be able to occupy the subject premises. The signers supported the zoning change from Light Industrial to commercial property. The zoning change will increase the value of surrounding businesses and will also increase revenue by cross contact of Arthur's Blues & Jazz clientele to existing businesses. Arthur's Blues and Jazz staff will occupy the premises from 8:00 p.m. until 4:00 a.m., which will significantly decrease vagrancy, theft and drug activity in the 1600 block of West Lee Street. She said all the above factors make this a win/win situation for neighboring businesses and the community at-large. (e) The Commissioners have copies of a letter from the owner of the property, giving his permission to request this zoning change. They plan to employ upwards of 35 people at Arthur's Blues & Jazz. They plan to seat upwards of 400 guests 5 nights a week. They hope that when their guests come to Arthur's Blues & Jazz, they will see surrounding businesses that not only occupy the building in which they plan to be located, but businesses that are in close proximity to them as well. (g) They expect that revenues to the City should increase due to income tax, sales tax, beer, wine and liquor tax, licensing fees, etc. (h) They would hope that their presence would clean up this block to eliminate vagrancy, theft and drug activities and make this block more marketable to other merchants that would like to join them in making Lee Street an appealing area to entertain and do business in the interest of the community at large.

Arthur Goodman gave an overview of what they were trying to do for Greensboro. It would be a place to which you could invite your friends, bring your wife or your husband and you could even invite your mother to come. For anyone liking live music, this will be the place to be.

Mr. Ruska reminded the Commissioners that they had to consider all uses that are allowed in Highway Business.

In response to a question from Mr. Byrd, for illustrative purposes, Ms. King said only about 60 percent of the lot had been paved and they plan to pave the portions that are not paved at this point, and repave the remainder; put in lines for parking; paint the front side of the building; a sign on the front of the building will cover many of the broken windows; put in lighting; do some landscaping; and just make it a much better view from the outside. On the inside, they are dealing with an antique warehouse space that does already have air conditioning, heating, plumbing and electrical there. The inside is gutted and they will build inside.

In response to a question from Ms. Shipman, Ms. King said if everyone was as aggressive as they were in making this happen, they hoped to be opening sometime from mid-June to early July.

Mr. Haynes said he remembered this property coming before the Commission in 2002 and he thought the Commission denied the rezoning because of the condition. What has changed since then?

Mr. Ruska said Heavy Industrial was not compatible with the Comprehensive Plan, whereas commercial zoning in this Redevelopment Corridor is.

In response to a question from Chairman Wolf, Mr. Ruska said it was unusual to rezone down the centerline of a building, but he could think of at least one circumstance where they have that down in the southern edge of the center city. There is actually a zoning line that splits a building there.

Chairman Wolf asked if there was anyone present who wished to speak in opposition to this request and no one came forward.

Mr. Morgan said since this request was not conditioned, all uses permitted in Highway Business must be considered for this property. The zoning reclassification is consistent with the Generalized Future Land Use Map because the property is located within the mixed use commercial land use classification and is in an activity center. It is also supported by the Growth Strategy Map due to being located in a reinvestment corridor and by policies in Connections 2025, such as ensuring that adequate land is zoned and has infrastructure for the various stages of business development and the opportunity for reinvestment in conjunction with an under-utilized property. The Planning Department recommends approval of this rezoning request.

Ms. Wright moved Item A, an ordinance rezoning from Light Industrial to Highway Business, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Haynes, Shipman. Nays: None.)

- B. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY AND GENERAL OFFICE HIGH INTENSITY TO CONDITIONAL DISTRICT - GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES SHALL BE LIMITED TO THOSE PERMITTED IN THE SC DISTRICT. 2) REDEVELOPMENT OF THE SITE, FOR OTHER THAN RENOVATION AND CONTINUED USE OF THE CURRENT OFFICE BUILDING, WILL BE SUBJECT TO THE FOLLOWING CONDITIONS: A) USE WILL BE PREDOMINANTLY COMMERCIAL WITH COMPLEMENTARY USES SUCH AS OFFICE, RESIDENTIAL AND SERVICE, AND WILL NOT EXCEED 325,000 SQUARE FEET OF NONRESIDENTIAL GROSS FLOOR AREA AND 100 RESIDENTIAL UNITS. THE RESIDENTIAL COMPONENT WILL BE DEVELOPED AS MIXED DEVELOPMENT AS PROVIDED IN SECTION 30-5 OF THE DEVELOPMENT ORDINANCE. B) PEDESTRIAN WALKWAYS WILL BE PROVIDED WITHIN THE SITE AND PEDESTRIAN ACCESS WILL BE PROVIDED FROM ALL ADJOINING STREETS AND FROM THE ADJOINING SECTION OF FRIENDLY CENTER. C) A COMMON SIGN PLAN WILL BE DEVELOPED AND SIGNAGE WILL COMPLY WITH THE SIGNAGE PROVISIONS FOR THE LIMITED BUSINESS (LB) ZONING DISTRICT. D) DEVELOPER WILL IMPLEMENT RECOMMENDATIONS OF THE TRAFFIC IMPACT STUDY TO INCLUDE PROVISION OF RIGHT AND LEFT TURN LANES ON WEST FRIENDLY AVENUE AND STRIPING OF TURN LANES ON HOBBS ROAD AND NORTHLINE AVENUE. E) FULL MOVEMENT ACCESS POINTS WILL BE LIMITED TO ONE FROM WEST FRIENDLY AVENUE, TWO**

FROM NORTHLINE AVENUE AND ONE FROM HOBBS ROAD UNLESS OTHERWISE APPROVED BY GDOT. F) A MINIMUM OF 3 ACRES WILL BE DEVOTED TO PERVIOUS SURFACE AND/OR THE PROVISION OF VISUAL, AESTHETIC OR ENVIRONMENTAL AMENITIES; - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF HOBBS ROAD BETWEEN NORTHLINE AVENUE AND WEST FRIENDLY AVENUE - FOR STARMOUNT COMPANY. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chairman Wolf asked if there was anyone present who wished to speak in favor of this request.

Ron Wilson, with Starmount Company, 600 Green Valley Road, said the first thing he would like to do was offer some additional conditions to the request. He had left a copy of these for each Commissioner.

He said Condition 1 should be changed to read:

- 1) Uses shall be limited to those permitted in the SC district provided that bowling alleys, billiard parlors, bingo parlors, dance clubs, stand alone bars, coin operated amusements as a primary use, miniature golf courses, skating rinks, recycling collection points, convenience stores, fraternity or sorority houses, ambulance services, boat and motor vehicle sales, vehicle parts sales, carwashes, auto repairs or rentals, equipment rental and leasing, crematoriums, laundromats, theatres (excluding any expansion of the theatre now existing on the adjoining parcel), ABC stores, flea markets, used merchandise sales, pawnshops, gasoline sales, service stations, courier stations, building supply sales with storage yards, communications towers, and warehouses will not be permitted.

He said Condition 2e would be amended to read:

- 2) E) Full movement access points will be limited to one from West Friendly Avenue, two from Northline Avenue and one from Hobbs Road unless otherwise approved by GDOT, provided that, no direct access to a retail center will be permitted from Hobbs Road.

Mr. Wilson said the following new conditions are submitted:

- 3) Buffer Yards: Any new development will provide buffers as follows:
 - A) Along Hobbs Road, from West Friendly Avenue northward to the edge of the existing drive entrance, a distance of approximately 600 feet, a buffer averaging 120 feet in width will be provided. Developer will make a good faith effort to not disturb existing trees within the buffer of eight (8) inch caliper or more. The buffer areas shall not be disturbed except in order to provide supplemental landscaping, pedestrian amenities (such as walkways, seating and lighting), necessary utilities and approved pedestrian or vehicular entrances to the development.
 - B) Along Hobbs Road and Northline Avenue, from the terminus of the 120 foot wide buffer provided in (A) above to the first drive entrance from Northline Avenue to the

development, either a thirty (30) foot wide landscaped buffer or a fifteen (15) foot wide buffer with a landscaped berm or hedgerow designed to be maintained at five (5) feet or more will be provided.

- 4) Screening:
 - A) Dumpsters and loading docks shall be screened from view.
 - B) The planting rate for the street yard on Northline Avenue will be increased to include two (2) under story trees per 100 feet.
- 5) Pedestrian Facilities: The developer will facilitate pedestrian access to the development from neighboring developments and will fund such traffic signals, pedestrian crossing lights and pedestrian islands as may be warranted and approved by GDOT on the streets adjoining the development.
- 6) Connectivity: Developer will include a vehicular access point(s) from the abutting development along the east line.
- 7) Development Standards:
 - A) Landscaping and buildings within the development will be installed or constructed to a high quality standard, finish and appearance to equal or exceed that found in the newer sections of Friendly Shopping Center.
 - B) Building design will include parapet walls to shield mechanical units from view and to buffer noise.
 - C) The maximum individual store size will be 80,000 on one floor or 160,000 on two (2) floors.
- 8) Site Lighting: Parking lot lighting will be designed, constructed and installed to control glare and to minimize obtrusive light while maintaining safety, security and productivity.
- 9) Building Height: No building used exclusively for office or retail will exceed two (2) above ground stories in height. No structure shall exceed five (5) above ground stories in height.
- 10) Drive-thru restaurants prohibited: No restaurant with a drive-thru window and stacking lane shall be permitted. This prohibition shall not exclude restaurants providing a carry out service and walk up windows.
- 11) Construction Controls: No construction entrance will be installed on Hobbs Road and the developer will instruct grading and building contractors to limit, to the extent practicable, truck traffic on Hobs Road north of Northline Avenue. This provision against construction entrances shall not prohibit the use of the existing driveway from Hobbs Road for asbestos abatement or demolition activities.
- 12) Limitations on operating hours:
 - A) No retail store other than a food or drug store shall operate 24 hours a day.

- B) No outside cleaning or landscape maintenance or dumpster service shall occur after 10 p.m. or before 7 a.m.
 - C) Any music in outside areas will be discontinued at 11 p.m.
- 13) Signs:
- A) Exposed tube neon will not be permitted on the exterior of any building or within any window located within 125 feet of and oriented parallel to West Friendly Avenue.
 - B) Attached signage facing and adjacent to Northline Avenue will be limited to non-illuminated identification signs.
 - C) Attached signs within 125 feet of West Friendly Avenue and which are oriented parallel to Friendly Avenue will be located not more than eight (8) feet above the closest curb elevation in West Friendly Avenue and will not be illuminated after 11 p.m.

Ms. Wright moved approval of the applicant's request to amend and add conditions, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes, Shipman. Nays: None.)

Mr. Wilson said the bankruptcy of Burlington Industries had had a lot of effects on our community and generated a lot of different activities. This is another one of those, only this one will prove that it is, in fact, positive. When this building is vacated this summer, the owner will be left with an approximately 400,000 square foot building that is seriously impacted by asbestos use in the original construction, which today is not acceptable. The challenge that the owner faces is to come up with a use that will provide a reasonable return for the amount of investment that is required, a use that will be compatible with the recently adopted Comprehensive Plan, one that would be in harmony with the residential areas that surround the property, one that would replace the \$300,000 in taxes that would be lost when the Burlington facility is gone and one that would create jobs. The proposed development would permit 325,000 square feet of non-residential development and 100 residential units that would require an investment of approximately \$50 million. They are advised it would generate 650 jobs. Some of the conditions were worked out with staff in complying with the Comp Plan and others were worked out with the neighbors in order to comply with their concerns. They believe this is the right use at the right time and request approval by the Commission. He then introduced Coolidge Porterfield, President of Starmount Company.

Coolidge Porterfield, 801 Jefferson Wood Lane, said he was President of Starmount Company. He said this was a large rezoning, which impacts to a certain extent several large neighborhoods. When they began the process, they knew they would impact these neighborhoods so they set out to address their concerns. When they realized Starmount Company was going to ask for a rezoning, the neighbors sent Starmount Company a 2-page list that had roughly 100 questions. They had a meeting with approximately 100 people. They hopefully had addressed most of the neighbors' concerns with conditions, and then they left and the neighbors had their own neighborhood meetings. They met with the individual representatives of the neighborhoods and talked about their concerns, tried to address as many of their concerns as possible and hopefully Starmount has arrived with most of them at some sort of compromise. After some of the supporting neighbors speak, he would like to address some additional agreements Starmount has made with the neighborhood that cannot be included in the zoning because it would be considered contract zoning.

Chad Cheek, 3007 Starmount Farms Drive, said he was present as president of the Starmount Farms Neighborhood Club. He pointed out their neighborhood on the map and stated that they had a view directly into the back of the proposed rezoning area. When the rezoning was first announced, their main concerns were the traffic management, light pollution and noise pollution. They had negotiated in good faith with Starmount on all these issues and some of the additional conditions proposed today were things that came out of those meetings. He gave examples of what was being done to address their concerns. Additional agreements that they have reached with Starmount are for them to donate to the Bog Garden Park the piece of property zoned CD-GB that still resides in the Bog Garden, so that in the future it will become a part of the Bog Garden and act as further screen and buffer to their neighborhood. The other agreement is a solid wood-screening fence to be installed, if approved by the Parks Department and the City, on the north side of Northline Avenue, immediately opposite any entry or exit point on Northline Drive. Based on the former condition that Mr. Wilson added to the rezoning and the implementation and execution of these agreed upon conditions, their neighborhood is in support of the proposed rezoning.

Steve Royal, 412 Beverly Place, directly across from Harris Teeter, handed up a letter from the neighbors of Wedgewood. The Wedgewood neighborhood represents approximately 131 houses directly across Friendly Avenue from the proposed rezoning. Neighbors of Wedgewood are not a formal association; he was here representing them as a request from that group, but they are not a formal association. What he represents is what they feel is a majority of the owners in the neighborhood, but by no means is it considered unanimous. He wanted to make those points clear. However, they had worked closely with Starmount; they had been receptive to all of their approaches and worked closely for them to understand their plans and also to make certain provisions in the new zoning. He also wanted to publicly thank Donna Newton for her work in doing all of this. She was able to organize them quite fast and to bring them together. Trying to get 131 households together is no small task. He said they were here to support the rezoning and the letter in front of the Commissioners does support that. He asked for all residents from Wedgewood present to show their support by standing and six people stood. They have talked extensively with Starmount to try to maintain that general feel, a village feel, as the development is put together. In doing so, they found the Starmount Company and the individuals they dealt with to be honorable people. They had dealt with them forthrightly, they had told them what they could do, they had tried to accommodate their requests when they could make changes and they had told them forthrightly what could not be done for both economic and design reasons, so the Wedgewood neighbors appreciated those accommodations. They were pleased with the sidewalk plans that had been made a part of the development, extending north along Hobbs Road so that Wedgewood residents can actually get to the Bog Garden without having to risk life and limb crossing Friendly. He said they would be working with the City to try to limit the sidewalk on the Wedgewood side of Friendly. There is already a sidewalk on the other side and they are not sure that a wall and a sidewalk make a lot of sense on their side so they would like to prevent that. In the final analysis, they would all like for Burlington Industries to still be there and be prosperous and occupying 400,000 square feet of office space. That is not going to happen. So they are in support of the rezoning as it has been stated, but he wanted everyone to understand that that was not unanimous from the neighborhood. He did not have that authority.

In response to a question from Chairman Wolf, Mr. Royal said he could speak only personally, but he was comfortable with that subject space being occupied by a shopping center.

Mr. Porterfield returned to the podium and stated that the other conditions that he was going to give to the Commission had been mentioned, but he would give them again.

In terms of the neighborhood for Starmount Farms, they have agreed to donate to the Piedmont Land Conservancy a 1.8 acre parcel, which, of course, is CD-GB on the map directly across Northline Avenue from the subject site and for the addition of it to the Bog Garden and Park. They understand that the Piedmont Land Conservancy will keep it for a month or two and then will deed it to the City. They will also have to deal with Parks & Recreation to provide buffer fencing on the park side of Northline opposite any future entrance or exits from the development, the purpose being to keep car lights from shining across the lake into houses. They believe these two agreements will provide protection to the park and will provide screening of Northline opposite any future exits from the development.

They have also agreed to install a brick wall along the rear lot lines for those folks whose lots back up to Friendly Avenue and are directly across the street from the proposed development. At the present time, they know that the height of the brick wall that they will develop will have to be 6 feet unless it goes to the Board of Adjustment, to which they intend to take it, and ask for a variance for an 8 foot wall. They believe that will protect those neighbors from much of the noise and lights and, quite frankly, the noise that is already there from the avenue traffic.

Starmount has offered to purchase the homes of certain neighbors who may so desire. In general, this offer pertains to neighbors on both sides of Wedgewood Place, portions of Beverly Place and two homes on Hobbs Road directly opposite the site.

Finally, they have agreed to divide two lots that they own on West Friendly Avenue and to convey the respective portions to adjoining owners, providing additional buffer, and perhaps more important for the neighbors, providing an assurance that no development will occur on those lots later.

Chairman Wolf asked if there was anyone present who wished to speak in opposition to this request.

Harry Gordon, 2915 Starmount Farms Drive, said he was directly across the lake from the subject property. There is a very thin margin of trees that separates them and he was here to oppose the rezoning. He said the Commission had heard a lot about 8 foot fences to protect the people on Wedgewood, but you have not heard a whole lot about protecting the people on Starmount Farms Drive. The same noise, the same lights, the same problems that you get on the Wedgewood side from the avenue side, they will be facing in droves on Northline. If you look at what is proposed for Northline, there are already two entrances to Friendly Shopping Center on the Northline side, one along Sears Roebuck and one along the theatre. There will be two more. He said they did not yet know where the trucks would feed this mammoth shopping center, but they expect that will also happen off of Northline. He said every day, they got to look at this ever-increasing shopping center; they get to look at the Grande Theatre. When you look at the history of Friendly Shopping Center, it was built as a beautiful shopping center. It was low, and it fit into the community. It had back lighting, it had white lights. Up until Harper's came along, you never saw a red light there. But in recent years you have seen red lights on Harper's. When the Grande Theatre was built, then you saw carnival-like lights, neon red light as high as can be. If you have ever come into the City of Greensboro at night on an airplane, you can mark our City now, not by the beautiful green trees,

but by the red lights. They get to see that during the nights and mornings. At 5 o'clock this morning,

those lights were on. He said he knew Starmount was a reputable company and they have done a lot of good for this City. But the Commission is here to place some restrictions on what Starmount can do or you can just say, "Starmount gets what Starmount wants." He said Starmount came in and persuaded this Zoning Commission (different people then) that they would make this Conditional Use - Institutional only and they would put this right in the middle of a residential area, and that is what they did. He said they were here today because Starmount was bootstrapping. Because of what they did and the concessions that were made years ago, now they want to say it is already a big, old Burlington building. Let's just go ahead and make it a retail space. He said the Commission should not believe for a minute that that has to happen because that is what the Commission is hearing here - that has to happen. No, it doesn't. You can have houses put there and you can have the same kind of uses. Remove the asbestos and use the Burlington building. Remember that the asbestos has to be removed before they can tear it down anyway. Remove it, use it or tear it down, but that does not lead to the conclusion that all that we can do with that building is have a huge Friendly Shopping Center doubled. In November or December, have any of the Commission members ever tried to get through that shopping center without a traffic cop directing the traffic? Think about what we will have when the size of that shopping center is doubled. If that is not scary enough, think about the amount of traffic on Pembroke and Northline, think about 5 years out, think about 10 years out. Those streets are not big enough to accommodate this. He said he knew there was a problem that had been created by Burlington Industries. There is nothing that compels this as the solution. He asked the Commission to look at the quality of life in Greensboro. Is the quality of life in Greensboro for the people who surround this made better or made worse by the Commission's decision today to allow this to become a huge shopping center. This does not have to happen. There can be houses there, there can be expensive condos there and there can be commercial buildings there. There is a glut of commercial buildings today, there is no doubt about that, but we are not making decisions just for today. Two years from now we won't have that glut. He said they were making a decision today that will mar this City forever if we go with massive retail in the middle of this residential community. He quoted the average trips per day and per weekend, and said "average" has no meaning here. You need to look at peak loading; you need to look at what happens during Christmas; you need to look at peak times; you need to go over there and watch the amount of traffic when the Grande Theatre lets out and changes when they've got a popular movie. They think they will be seeing a large volume of vehicles going on Northline at all times and huge trucks feeding that 325,000 square feet of retail space. Think about the numbers, not only for this portion of the shopping center, but also for the entire shopping center. He also objected to two additional entrances on Northline. He said also that the runoff from the parking lot at Burlington Industries goes across the street and into the Bog Garden and goes out into the lake. By this plan, there will be 30 acres of rooflines and parking lots and all of that water is going to run off and much of it will go right in there where catfish, ducks, turtles and so forth are. We have not heard anything about holding ponds, environmental impact and why don't we talk about what should be done about the Bog Garden and lake before we just willy-nilly roll over and say "Greensboro needs jobs." He said when Chad Cheek spoke before and said he was president of the Starmount Farms Club, he is, but that is a social club. That was not set up for something like this and he thought Mr. Cheek would agree with him that Mr. Cheek has done the best he can to sort of coordinate with the group, but it is hard to coordinate when this particular meeting came on an Easter Monday. It came when a lot of the parents were away with their children during the spring break. In any event, Mr. Cheek cannot speak for all of them. He said there was a lack of trust here. If the Commission would go back to 1968 and look at the bargain that was struck or just go back to 1996 when rezoning took place for Harris Teeter. When that was

done, he stood in this same spot and asked that the Commission not rezone the upper or north half

of that property. Instead the Zoning Commission elected to rezone all of it. What happened? When the Grande Theatre came along, they didn't have another opportunity to say: "No red neon lights." He gave the contents of a letter he had written to the Starmount Company and Consolidated Theatres, protesting the red neon lights that go on the Grande Theatres. He said the Commission had heard today talk about no red lights on a certain point at a certain space from the borders. Of course, that then allows them to use a taller building and encircle the top of the building with red lights, which is what happened in this instance. He said they did not even receive a response to the letter. He said this Commission was their last line of defense here. What really concerns them is lights, noise, dumpsters, etc. They would like an 8 foot fence too. He said residents of Starmount Farms had been offered none of the amenities that had been offered to the residents of Wedgewood. He asked the Commission to look at zoning as it is today. Stay with it, Starmount, unless you give them something that is comparable. He said, in response to Chairman Wolf's question, that not all of them were agreeable to this all going into retail. A lot of them like Greensboro the way it is. A lot of them are willing to live with the deal that was struck 36 years ago in 1968. They are concerned that a lot of the traffic now going down Northline will now go over to Starmount Farms Drive. They see this as being many multiples worse if the Commission approves what it sees here today and if there are 4 entrances to Friendly Shopping Center on Northline. He named several persons who opposed the rezoning. He asked that the Commission consider a proper balance before approving this request.

Benjamin Briggs, currently executive director of Preservation Greensboro, Inc., 1753 Penny Road, High Point, said he was here to address the redevelopment of the Burlington Industries Corporate Headquarters' property. He was certainly not against the Starmount Company or its plans for use of the property. He was here to express his concern that one of Greensboro's most important and recognizable buildings will be destroyed in this process. He said Starmount was a signature company in its own right with a growing tradition of working to save historic buildings in Friendly Center, such as the Benjamin House and Reedy Fork. In fact, because of their support, Reedy Fork is being carefully dismantled today for reassembly in Chapel Hill where it will live on as a useful home. He looked forward to standing in defense of Starmount's contributions to the building environment when and if they are someday threatened. As a native of High Point, some of his earliest memories of Greensboro were driving past the Burlington Headquarters as his family headed towards Friendly Center. Later on, his father pointed out how the steel crossed beams represented the woven stitches of textiles and he was impressed by the big city feel that this building gave. This building also won numerous citations and awards upon its completion in 1971. Even in college, his geography instructor pointed out how buildings like the Burlington Headquarters indicated that Greensboro was a growing and thriving community and how we could expect more buildings like it to sprout up in key growth corridors around the City in the future. However, today we are on the verge of losing this landmark of Greensboro's textile history. At a time when other communities are learning to recognize the value and importance of modern, ionic architecture and all that it has to offer the members of the growing creative class, we stand today contemplating the destruction of a building that could play an important role in defining Greensboro's future. Greensboro is a player in the global marketplace that includes rivals in Japan, Europe and Australia. Places like Raleigh, Boston and San Francisco understand this competitive environment and seek to distinguish their cities using history, culture and architecture. When we have such a noteworthy and signature building as this in Greensboro, we debate its replacement with a use that lends no particular distinction to Greensboro or its history. Perhaps a solution to this issue is the incorporation of Burlington's Headquarters as a signature building within an exciting

new development. Perhaps the steel modern trusses could be echoed in surrounding new buildings

and pedestrian walkways. Public space and new lighting could be added that would become the destination for civic space within the City and the region. The important Burlington building could be retained and adaptively reused, using generous tax credits, mixing residential units in the tower with commercial uses on the ground floor. Regardless of the Commission's decision today concerning the rezoning of this property, he asked that in the future this City try to encourage greater protection of its heritage resources or those items that make Greensboro unique and distinct from other places. Preservation Greensboro offers service to the City in the form of helpful comments that could include solutions for problems that would otherwise lead to the destruction of these places. As Greensboro learns to understand its role in North Carolina, the United States and the world, it was his hope that its citizens will learn to appreciate Greensboro's unique history and architecture and the importance it has in our quality of life. He said if in the future he could be of any service, he would look forward to working with the City to investigate win/win solutions, to build a bright future upon a strong and diverse past. He said he also had some letters from the National Trust and from officials such as the architect involved in constructing the building in 1971, which he said he would pass to staff for any Commissioners who would like to see those.

Julie Curry, Historic Preservation Planner for Guilford County, 201 South Eugene Street, said she was here today to give her professional comments on the rezoning packet separate from the City's comments. The building is 35 years old and is not officially designated as a Guilford County Landmark Property. It possesses qualities of architectural and cultural significance equal to the most important of Greensboro's officially recognized historic buildings. Removing the Burlington Industries building would deprive future generations of Greensboro residents of an important visible connection with the City's past and it will be a missed opportunity because the building has great potential as a heritage treasure and economic asset. It could today become a Guilford County landmark because the Historic Preservation Commission does not limit its recognition of significant properties by age. The Greensboro Comprehensive Plan, Chapter 5, has been omitted from staff comments. She was very concerned about that. That is a chapter called "Community Character." Because of this omission, she would request postponement of this decision until this section can be completed and added to this report. The City Council has taken this section of the Comprehensive Plan to task, for example, on the Icehouse building on East Market Street. It was slated for demolition by GDOT and is now saved and will be used as part of the City. The Comprehensive Plan allows for development and preservation. This is an opportunity to do both, as directed by Chapter 5 of the Comprehensive Plan. The Burlington building can be kept intact and used as a focal point of this development project. Greensboro and Guilford County can keep a well-recognized and important landmark. In reading the Comprehensive Plan, the Burlington Industry Headquarters is exactly the kind of building that should be preserved. The Comp Plan points out the importance of preserving character and unique identity. Few landmarks in Greensboro are as much a part of the community's unique identity as the Burlington Industries building. It represents the high point of Greensboro's international prominence in the textile industry. It was the headquarters of the world's largest textile concern. It was a design that was carefully chosen to benefit the home of an international important company. Today it is one of the most unique structures in North Carolina. At the time this building was built, it was acclaimed nationally for its cutting-edge design and engineering features. These facts put the Burlington Industry building in the same league as the Jefferson Standard building, the Depot and a few of the other Greensboro landmarks. When the Burlington Industry building is gone, there will be no physical evidence that

Greensboro was ever once the home of the world's largest textile concern. If the building were to be

creatively renovated for a mix of residential and retail spaces, it could remain a unique landmark for Greensboro's future generations and for all to enjoy.

Chairman Wolf asked if the applicant would like 5 minutes for rebuttal?

Coolidge Porterfield returned to the podium and said he wished to address a couple of items that Mr. Gordon had mentioned. First, in terms of the neon, the neon does wrap around the building or it wraps around to Northline Avenue. The first night it was turned on, the next day they had a phone call he believed from Mrs. Gordon and they had those lights turned off and they have not been turned on since. This was an effort to work with the neighborhood. Yes, the neon lights are on the front and on the side facing Friendly Avenue. Secondly, they have a shopping center that is going to be fronting Friendly Avenue. They had folks who lived across the street who already had an awful lot of noise because of the traffic on Friendly Avenue. Thus, they had chosen to deal most directly with them in terms of trying to figure out how to help them keep their quality of life. They have a little bit of a difficult time working with folks who are 1,000 feet across a lake. Yes, they have given the Bog Garden, which gives additional buffer for them, and yes, they would work with the Parks & Recreation Department to make sure that the lights coming out of the parking lot from cars will have some sort of wooden fence. Second of all, and this is very difficult to speak to, they have received probably the same letters that were handed to you from a number of folks at North Carolina State University and architects and the National Historic Preservation Trust. They already have a contract to remove that building and that building will be removed once the Burlington Industries folks leave. The reason for that is it has a very difficult footprint to work with. You would have to have, to make it economically efficient, either a call center or a single corporate user to come and utilize that space, and in this market, he did not believe that was going to happen. He said he would have Richard Atkins speak to the traffic.

Richard Atkins, Transportation Engineer with Wilbur Smith Associates, 7015 Albert Pick Road, said one of the concerns raised was the fact that the difference between the amount of traffic that would be generated on a daily versus a peak hour, and as you recall, their process requires that they do analyze for the most intense period, which in this case would be the p.m. peak hour. An analysis that they did that was not in accordance with the City's guidelines was for the peak hour. They do start from a total, but again in terms of the most intensive, it is the peak hours and the models they use does tell them the distributions and that is what was used in the study. The results of the study indicated that the 4 intersections that were included in the study areas would operate at Level C or better so again this is just the normal way they do their traffic studies.

Mr. Haynes said that Mr. Gordon spoke of a letter that he wrote to the Starmount Company. He asked if Mr. Wilson was familiar with that letter?

Mr. Wilson said he was familiar with their concern, but he was not familiar with the letter.

Chairman Wolf asked if the opponents would like 5 minutes for rebuttal?

Harry Gordon returned to the podium and said when he said those red lights were there; it is true that they did not put red lights on the side of the building facing Starmount Farms Drive and the subdivision. However, they put a dome on the building and they put red lights around it. That dome is above the side of the building. That is the same issue that he raised today. If you listened to the

proposal, it was not that they would not have any neon lights, but that they would not have neon

lights along the edges or along the front. So again, depending on how high up they go, that was the problem. Again, the numbers in terms of peak loading, all he could say was he saw the reports and the numbers and it uses the word "average." When you talk average, you're talking average over a year or average over weekdays is what they said, and their problems were always the holiday periods.

Mr. Morgan said he would like to remind the Commission that any private agreements are not enforceable by the City and are not to be considered as conditions of this rezoning.

Mr. Morgan said, aside from being in compliance with the Generalized Future Land Use Map, this request addresses numerous goals and policies set forth in Connections 2025, the Comprehensive Plan. The proposal is in accordance with the plan in the following ways: It incorporates mixed uses within a designated activity center. It is located along an existing transit route and proposes the density and intensity that supports transit use. It promotes walkability through the use of pedestrian walkways within the site, connecting pedestrian walkways to adjoining sites. It includes some open space and aesthetic amenities and will use a site that will soon be vacant. The final details of the site design are yet to be worked out, but the applicant is making efforts to work with the surrounding neighborhoods so that the development will be considered an asset to the area. The Planning Department recommends approval of this rezoning.

Ms. Wright moved Item B, an ordinance rezoning from RS-12 Residential Single Family and General Office High Intensity to Conditional District - General business with the revised conditions as set forth above, seconded by Mr. Gilmer.

Chairman Wolf asked what the City's opinion would have been on this site had they come to the City with basically these same conditions, but as Conditional - SC?

Mr. Ruska responded probably about the same.

Mr. Byrd said one speaker raised a concern about storm water draining into the adjacent lake. What's the likely method of stormwater drainage control for this development?

Mr. Ruska said that would be an issue that would be dealt with as part of the site plan at TRC level. He said they did not have those details to discuss at this point.

Mr. Collins said he thought one of the things you may find is a good bit of this property is already covered with impervious surface. He did not think it was going to increase it that much more than it already is, but it will increase some. But as Mr. Ruska said, that is something that is dealt with at the site plan approval process.

Mr. Haynes said Mr. Cheek said that he represented the Starmount community. He asked Mr. Cheek to return to the podium to answer a couple of questions.

Mr. Cheek returned to the podium and in response to a question from Mr. Haynes, he said he should start by apologizing. He did leave out that he did represent, as a volunteer for their neighborhood, and he had been requested by a majority of the neighbors to represent them on these issues. While they are not unanimous in their opinions on this, they do have a majority who

are agreeable to the conditions agreed upon with Starmount. There are 62 homesites in their

neighborhood. They had approximately 40 to 45 in their initial meeting. They had communicated by e-mail since then.

Chairman Wolf said there was a motion by Ms. Wright, seconded by Mr. Gilmer, to move the ordinance. The Commission voted 8-1 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Shipman. Nays: Haynes.)

D. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT - RM-18 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN THE RM-18 ZONING DISTRICT. 2) THERE SHALL BE ONE ACCESS OFF OF THORNTON COURT. 3) EXISTING VEGETATIVE BUFFER, A MINIMUM OF FIVE FEET IN WIDTH, ON THE SOUTH PROPERTY LINE SHALL REMAIN UNDISTURBED. 4) EXTERNAL BUILDING CONSTRUCTION SHALL CONSIST OF BRICK AND VINYL. 5) THERE SHALL BE A MAXIMUM OF SIXTY (60) TOWNHOMES FOR SALE BY THE DEVELOPER. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF THORNTON COURT NORTH OF WEST MARKET STREET - FOR HENRY H. ISAACSON. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chairman Wolf asked if there was anyone present who wished to speak in favor of this request.

Henry Isaacson, Esq., 101 West Friendly Avenue, said he represented Howard Marshall, the owner of the property, and FSG Properties of Greensboro, represented by Ms. Frances Giaimo. He said Ms. Giaimo was present and he asked her to stand and be recognized. (Ms. Jarmo complied.) He said he had handed out to the Commissioners a booklet and he asked them to turn to the page containing an amended condition and two new conditions that he wished to offer.

Condition No. 5 shall be amended to read:

- 5) There shall be a maximum of sixty (60) townhomes and/or condominiums for sale by the developer. The maximum height of any townhome or condominium shall be 2 stories.

Attorney Isaacson said he would like to add Condition Nos. 6 and 7 as follows:

- 6) The street-planting yard along Thornton Court shall be doubled in width, that is sixteen (16) feet, and the planting rate within such planting yard shall be doubled.
- 7) Along the northeast and northern boundary lines of the subject property a five (5) foot planting yard shall be established and the planting rate within such planting yard shall be doubled. Any existing vegetation will be preserved where possible.

He asked that the Commission accept these conditions as part of their petition.

Ms. Wright moved acceptance of the above amended and new conditions, seconded by

Mr. Schneider. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes, Shipman. Nays: None.)

Attorney Isaacson said this property was virtually all vacant land. It is situated just behind homes, businesses and offices on West Market Street and several of those homes on Market Street are on the market for sale. An important fact to also consider is the vacated Guilford Mills factory across Market Street. That property consists of just under 20 acres and some 560,391 square feet of building. At the moment, he believed it was vacant. A photograph of that facility was contained in the handout. He did not know what plans the owner had for that property. He then referred to a photograph showing several of the houses on Market Street, the two at the intersection of Market and Thornton being designated for sale. He then referred to a copy of the zoning map, which he had colored and explained the color designations. He said he offered the photographs and zoning map to suggest a scenario that might happen. The Guilford Mills property might someday become a commercial development, which he believed would put pressure across the street and perhaps a developer might find that the property across the street, since two of the homes are on the market for sale, would make another ideal site for commercial development. He pointed out and explained other photographs contained in his handout. He said that long before the Comprehensive Plan was adopted, this Commission considered concepts such as mixed uses, higher densities, infill and smart growth. They became important factors to consider in 21st Century zoning in our community. Also having to deal with sprawl, those concepts became more and more urgent to us and we quickly learned that mixing housing types and having more compact development was not injurious to our neighborhoods. Indeed, there are examples of townhomes and condominiums located in our City next to or in close proximity to detached single family homes. In many of those cases brought before this Commission, he presented evidence from certified appraisers that townhomes and condominiums do not diminish the value of those nearby detached single family homes nor do they cause any injury to their neighborhoods. He then read an extract from a letter in another case that the Commission heard at the end of 1999. This was a letter from Tom Taylor of the appraisal firm of Moore & Taylor, which pointed out the history of townhomes and condominiums being built near some of the more prestigious single family home areas in Greensboro with no negative impact on these surrounding single family homes. He had also said these neighborhoods appear to have been enhanced by these developments. He said he would be glad to share the letter with any of the Commissioners who wished to see it.

He then referred the Commission to an extract from the Generalized Future Land Use Map contained in his handout. He said the pink in the middle of the page is designated as Mixed Use-Commercial and the star indicated where the subject property was located. The line just to the left of the star was Thornton Court. He referred to a page that was taken from the Comprehensive Plan itself and he had highlighted under the Mixed Use-Commercial the following: "This designation is intended to promote a mix of uses of which various commercial uses remain predominant, but where residential, service and other uses are complimentary. Where applied to older highway corridors characterized by strip commercial uses, the intent is to encourage infill and redevelopment for a more diverse and attractive mix of uses over time." Later in the paragraph, it says: "Such areas also may represent opportunities for the introduction of substantial high density and/or mixed income housing with negligible impacts on residential from nearby single family neighborhoods." He said the next page was taken from the section on Housing and Neighborhoods. He had highlighted a section that he thought was important because it gave some direction in paragraph 5(a(4): "Implement measures to protect Greensboro's neighborhoods from

potential negative impacts of development, redevelopment and/or public projects that are

inconsistent with the neighborhood's livability, architectural or historical character and reinvestment potential. Such measures could include (that is measures that we could take to protect these neighborhoods), but need not be limited to, supportive policy, zoning and regulatory decisions including protection against incompatible commercial encroachments into residential neighborhoods." He said the last section relates back to the possibility (and he emphasized possibility), with those homes on Market Street being for sale and this area being designated as Mixed Use-Commercial, if this property is not utilized as a residential tract, another developer might very well see this as a potential shopping center site. Said another way, by rezoning this property for the townhomes and condominiums that they have proposed, they can protect the existing neighborhood from any further commercial development and intrusion.

This proposal did not rise to the level necessary for a formal traffic impact study; nevertheless they felt that it was important to determine what impact these homes might have on traffic and our transportation system. He referred the Commissioners to the page in the handout containing what he considered a mini-traffic study, which was performed by the firm of Kimley-Horne in Greensboro and explained its significance. The same firm checked the sight distance coming out of Thornton Court on West Market Street and found that it met the requirements set by the American Association of State Highway Transportation Officials. A copy of this report has been referred to GDOT and he believed that GDOT concurred with the report. He referred to some letters from neighbors on Thornton Court contained in the handout. There was one neighbor on Thornton Court with whom they had talked several times. However, he believed that she and her husband would prefer to have the property remain in its present state, which is practically vacant. He did explain to them what alternatives might be developed there, but he did not believe he convinced them to support the project.

He said finally he would submit to the Commission that this proposal was an opportunity to create a development that will fit very well into this neighborhood. Moreover, in looking at the zoning map it can easily be seen that this rezoning would make a smooth transition between the Highway Business, the Light Industrial, the GO-M and the Limited Office to the east and the RS-9 and RS-12 to the west and it will also protect the Thornton Court neighborhood from any commercial intrusion, even if the Guilford Mills property across Market Street were to become a commercial development. He felt that this development would meet the tests that they previously had to meet for Conditional Use cases. He submitted that this development had a lot going for it. It uses existing land along the reinvestment corridor, it is anti-sprawl and it amounts to compact development and it follows many guidelines of the Comprehensive Land Use Plan, including neighborhood protection. Last, it meets the three-prong test, which although not the official rule anymore, continued to test whether or not a Conditional District case is good zoning. Accordingly, he respectfully asked that the Commission give favorable consideration of this request.

Chairman Wolf said this development would create 60 owners who would have a strong opinion about what happens on the lots in front on Market Street. He would like to know what Attorney Isaacson's position is with respect to the use that ought to go there. He remembered when they rezoned the LO site, he seemed to recall that the City was in opposition to that at the time, with the idea being that all this property ought to have a little bit more of a unified development plan when we look at it. He said he was not in opposition to townhouses; he was a big fan of townhouses being mixed in with what we call single family. He thought a townhouse was single family, even though it is designated multifamily. He thought they had a duty here to be thinking about what is

going to happen on the frontage that shows on West Market in front of this. He sees all these

buffers that this developer has to give, but he was not even sure he understood why they are giving buffers. He wanted to know what Attorney Isaacson thought should be out front because in his opinion clearly residential doesn't belong there unless it was going to be a part of this development.

Attorney Isaacson said that first of all, the reason he dwelt in the photographs on those buffers to show the Commission from several angles about that buffer. Even at this time of the year, it is a substantial buffer and one of the conditions was to leave that buffer in its natural state. That was No. 1. It seems that the trend along Market Street right now is the church, followed by the credit union building, followed by this office building and he would think that that may very well continue down Market Street, at least to Thornton Court, unless, as he said, some developer comes along and feels like if this property is not rezoned, a small shopping center of 5 or 6 acres might be appropriate. Those were his theories, which he said the Chairman had asked for, but the buffer seems to separate this property and what they propose to put on this property from what might happen on Market Street. That buffer is of some protection, not only against what might replace those four homes, but also against the credit union, the church and the 2-story office building. He did not think his developer would have any problems with light office or commercial being there.

Charles Sehand, 110 Thornton Court, which is the northwest corner of the subject property, said his family had lived there since 1951. He said his mother also lives with them and they have no opposition to this request at all.

Gregory Carter, 115 Thornton Court, which is the west side from the subject property, said he had some concerns about the traffic. He owns a group home there for the developmentally disabled adults, and has 6 clients. For the most part, they have problems coming out of that property onto West Market. So with an additional 60 units, he was still thinking there was going to be a problem with traffic. He had had several near collisions trying to get from Thornton Court onto West Market Street. He had no problems with the townhome community. He said he was for the development. He just thought as far as the traffic was concerned there should be some more research done as far as the traffic and intersection were concerned. He bought his property in 1997 and it is a 6-bed home for developmentally disabled adults.

Chairman Wolf asked if there was anyone present who wished to speak in opposition to this request.

Patsy Hagan, 107 Thornton Court, which is right across the street from these proposed townhouses, said when she moved there almost 2 years ago, she realized this neighborhood had a lot of room for improvement, but her circumstances were such that one of the three new houses they had built there was very appealing and met her needs. What she thought she was seeing was that an improvement was trying to be made and she could see that the property across the street had the potential for more new houses. Unfortunately, she didn't think about townhomes and maybe she should have or even apartments, which she thought might be worse. Now that this has occurred, all of these 60 homes, she would assume, would have a car. They will pull out of their parking lots straight into her house with their headlights. She has a 6-year old grandchild that is living with her. She thought this would be a quiet, no traffic to speak of, street that would be good for her too. So now they will just have to be more careful if this does occur. Getting out onto Market Street is an extreme hazard. You cannot see to turn left, so you do have to speed out. They are going to have a potential line of traffic trying to get out onto Market Street. The only thing that she

could add was that what she had hoped would happen would be more new homes, single family

dwelling, in this area.

Chairman Wolf asked if the applicant would like 5 minutes of rebuttal?

Attorney Isaacson said he would call the Commission's attention back to the mini-traffic report that they had done. He thought there was a very small amount of traffic coming out of townhomes; that it is not like a shopping center or some other more active use. As far as coming out onto Market Street, Mr. Stansbury did make some recommendations about cutting down the bank on that house right at the corner of Market and Thornton Court and he thought that when that house is developed into something else, that might be a situation that might be taken into consideration by the developer.

Mr. Morgan said given the location and the surrounding zoning pattern, staff feels that this extended RS-12, RS-9 area north of Market Street offers an opportunity for future mixed use-commercial and higher density residential development. The proposed density of this area would equate to approximately 14 dwelling units per acre, which falls within the high-density definition. This request is located within the mixed use-commercial classification on the Generalized Future Land Use Map, which borders a high-density residential classification directly to the north. The proposed townhomes could be supported by either designation. However, the introduction of higher density needs to also take into consideration the impact on the adjacent single family residences. Ensuring that buildings are of the appropriate scale and intensity are critical, as is ensuring that the site is designed in a coordinated manner with negligible impacts on the adjacent properties. This site is also located within the designated reinvestment corridor, which encourages redevelopment and infill to improve economic viability. This request is supported by the Comprehensive Plan from the standpoint of promoting compact development and providing a diversification of new housing stock and promoting infill development, especially along a reinvestment corridor. With the addition of the conditions today that address the scale and intensity issues, the Planning Department now recommends approval of this rezoning.

Ms. Wright moved Item D, an ordinance rezoning from RS-9 Residential Single Family to Conditional District - RM-18 Residential Multifamily, subject to the conditions as set forth in the application and as amended or added above, seconded by Mr. Schneider.

Chairman Wolf said he would like this record to reflect, since they talk about the Comp Plan a lot, what the City thinks ought to go on the Market Street houses on the east side of Thornton Court adjacent to this property. His personal opinion was clearly that was not going to stay residential.

Mr. Ruska said the Chairman mentioned the previous rezoning that they had several years ago for Limited Office. The staff's concern at that point was in part due to the fact that it was just a single lot rezoning and there were four potential single lot rezonings to the west of that that could occur. That would mean 5 commercial entrances in a short space on a very busy street, and that was one of staff's real concerns when they did recommend against the rezoning of that property. However, now we do have the Comprehensive Plan and we have the Generalized Future Land Use Map, which calls for this area clearly to be mixed use-commercial and that could be a variety of retail uses, it could be office use, it even could be higher density residential use, as is the case of what they were looking at this afternoon.

Chairman Wolf asked if staff was comfortable with the idea then that those four homes out there,

two of which are for sale, would most likely be some type of office or commercial use on one lot?

Mr. Ruska responded that was absolutely correct. Staff would encourage those lots to be put together and developed under one master plan.

Mr. Schneider said he actually thought there was a third house for sale under a different realtor. He drives by there every day and his concern wasn't the traffic coming from these 60 units, it's when the property across the street is redeveloped. Any side street or any parking lot was not the easiest place to turn out of onto West Market Street but we also don't have any of the trips that used to be at Guilford Mills coming out anymore. He was sure that was going to be a bigger issue than this development.

Mr. Byrd commented that this was one of the cases where it is pretty beneficial to visit the site and he was sure they all do for these cases. He was probably going to support this rezoning, but he had to say this rezoning looks a lot better on the zoning map than it does on the site. He had a concern about the scale of development here, particularly when he read through the staff report and there was an indication that the limitation on condominium building heights was going to be 3 stories. He probably would not have voted for that particular zoning request. He was not entirely happy about voting for this one, but he thought it did provide the residential development to the west some buffer and he thought the reduction of the building height has addressed some of the scale of development concern and he had also heard a couple of the neighbors indicate that they are supporting the rezoning, so he probably would be voting in favor of this request.

Chairman Wolf said it was interesting that Mr. Byrd referred to a townhouse or a condo as a buffer. He had always been in disagreement with that. He sometimes looks at apartment complexes as sometimes used as a transition, but ---

Mr. Byrd said he misspoke when he said "buffer." He meant something that will prohibit further encroachment of the commercial development that was to the east.

Chairman Wolf said that clearly made sense, and he agreed with that. He was looking to the future, although you have several of those houses out on Market Street up for sale. He said he guaranteed if it were two years before that were to be assembled, there would be 60 townhouse owners who would be in here, telling us they don't want to see that go LO or commercial on Market Street.

Mr. Collins said he had a question because when you do look at it on the zoning map, to your point there is a lot of open space, but most of that space is along the creek, as he recalled it, between the RS-12 and RS-9 zoning and a lot of it is probably not buildable.

Mr. Ruska said staff had not really looked at that specifically, but he thought Mr. Collins was right.

Mr. Collins said that clearly a lot of what the Commissioners see on their screens on the left-hand side is not buildable. When Mr. Wolf talks about commercial coming down the street, he didn't believe it could continue and even connect with the commercial that is farther west. Probably the houses that are on West Market Street are the places that can be developed and not the open space on that side of the street. One of the things that he thought the Commission had been fairly consistent on was this was a good use. The lady who spoke, Ms. Hagan, had a concern about

traffic, but he believed that this will create no more cars than a single family residence since you

tend to have less cars with condominiums than you do with detached single family. That is a bad spot and what will cause it to change is what happens across the street at the old Guilford Mills site. When something happens there, he thought traffic will have to be improved and he was in favor of this request.

Ms. Shipman said Ms. Hagan was talking about her 6 year old grandchild. She asked if there were any more children on that street?

Ms. Hagan said she did not think there were any other children on the street; however, there might be some grandchildren not living there who visit and ride their bicycles in the street.

Chairman Wolf said there was a motion on the table by Ms. Wright, seconded by Mr. Schneider, moving the ordinance. The Commission voted 8-1 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Shipman. Nays: Haynes.)

Chairman Wolf declared a break from 4:15 to 4:22 p.m.

- E. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT - SHOPPING CENTER WITH THE FOLLOWING CONDITIONS: 1) ALL USES PERMITTED IN THE "SC: ZONING DISTRICT EXCEPT SEXUALLY ORIENTED BUSINESSES, AS DEFINED IN THE ORDINANCES OF THE CITY OF GREENSBORO, AND HOTELS. 2) NO MORE THAN ONE (1) ACCESS POINT ON NEW GARDEN ROAD AT A LOCATION APPROVED BY THE GREENSBORO DEPARTMENT OF TRANSPORTATION AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. 3) A MAXIMUM OF 4,750,000 SQUARE FEET OF BUILDINGS, PROVIDED THIS PROPERTY AND THE ADJACENT CD-GO-M ZONED PROPERTY TO THE SOUTHWEST SHALL NOT CONTAINED A COMBINED TOTAL OF MORE THAN 8000,000 SQUARE FEET OF BUILDINGS. PARKING DECKS SHALL NOT BE CONSIDERED TO BE A BUILDING FOR THE PURPOSES OF THIS PROVISION. 4) A MAXIMUM BUILDING HEIGHT OF 60 FEET. 5) A 30-FOOT LANDSCAPED BUFFER SHALL BE PROVIDED ALONG THE ENTIRE FRONTAGE OF THIS ZONING DISTRICT ALONG NEW GARDEN ROAD AND EXTENDING TO THE NORTHERNMOST PROPERTY LINE OF CROSS OF CHRIST LUTHERAN CHURCH. 6) NO BUILDING WILL BE CONSTRUCTED WITHIN 50 FEET OF THE SOUTHERN RIGHT-OF-WAY OF NEW GARDEN ROAD. 7) AS REQUIRED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION OR THE GREENSBORO DEPARTMENT OF TRANSPORTATION, DEDICATION AND CONSTRUCTION SHALL BE PROVIDED OF TWO NORTHBOUND THROUGH LANES FROM THE SOUTHERNMOST PROPERTY LINE OF THE PROPERTY ALONG THE ENTIRE FRONTAGE OF THE PROPERTY TO THE EASTBOUND RAMP OF BRYAN BOULEVARD. 8) SINCE A LANDSCAPED MEDIAN IS PLANNED FOR NEW GARDEN ROAD, THERE SHALL BE PROVIDED ONE HALF (BUT IN NO EVENT MORE THAN 12 FEET) OF THE MEDIAN BEGINNING AT OR NORTH OF THE SOUTHERN PROPERTY LINE OF THE PROPERTY (THE LOCATION TO BE DETERMINED IN DESIGN OF THE PROJECT BY DEVELOPER) EXTENDING IN A NORTHERLY DIRECTION AS FAR AS REQUIRED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE GREENSBORO DEPARTMENT OF**

TRANSPORTATION BUT IN NO EVENT BEYOND THE EASTBOUND RAMP OF BRYAN BOULEVARD. 9) A MASTER DEVELOPMENT PLAN SHALL BE SUBMITTED FOR THE ENTIRE TRACT OF LAND OF WHICH THIS PROPERTY IS A PORTION. IN ADDITION, WHEN THE CITY OF GREENSBORO MAKE AVAILABLE TRAFFIC COUNTS TAKEN SUBSEQUENT TO THE OPENING OF BRYAN BOULEVARD, A REVISED TRANSPORTATION IMPACT ANALYSIS WILL BE OBTAIN UTILIZING THESE COUNTS AND THE LAND USE PLAN WHICH WILL BE PERMITTED BY THE REZONING OF THE ENTIRE TACT OF LAND OF WHICH THIS PROPERTY IS A PORTION.F 10) THE MAXIMUM HEIGHT OF ANY PARKING DECK SHALL BE 50 FEET. 11) FROM A DISTANCE OF 300 FEET FROM THE EASTERLY MARGIN OF NEW GARDEN, ONLY THOSE USES PERMITTED IN THE GO-M DISTRICT AND RESTAURANTS WITHOUT DRIVE -THROUGHS WILL BE PERMITTED. TO CONDITIONAL DISTRICT – SHOPPING CENTER WITH THE FOLLOWING CONDITIONS: 1) ALL USES PERMITTED IN THE "SC" ZONING DISTRICT EXCEPT SEXUALLY ORIENTED BUSINESSES, AS DEFINED IN THE ORDINANCES OF THE CITY OF GREENSBORO, AND HOTELS. 2) NO MORE THAN ONE (1) ACCESS POINT ON NEW GARDEN ROAD AT A LOCATION APPROVED BY THE GREENSBORO DEPARTMENT OF TRANSPORTATION AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. 3) A MAXIMUM OF 475,000 SQUARE FEET OF BUILDINGS, PROVIDED THIS PROPERTY AND THE ADJACENT CD-GO-M ZONED PROPERTY TO THE SOUTHWEST SHALL NOT CONTAIN A COMBINED TOTAL OF MORE THAN 800,000 SQUARE FEET OF BUILDINGS. PARKING DECKS SHALL NOT BE CONSIDERED TO BE A BUILDING FOR THE PURPOSE OF THIS PROVISION. 4) A MAXIMUM BUILDING HEIGHT OF 60 FEET. 5) A 30-FOOT LANDSCAPED BUFFER SHALL BE PROVIDED ALONG THE ENTIRE FRONTAGE OF THIS ZONING DISTRICT ALONG NEW GARDEN ROAD AND EXTENDING TO THE NORTHERNMOST PROPERTY LINE OF CROSS OF CHRIST LUTHERAN CHURCH. 6) NO BUILDING WILL BE CONSTRUCTED WITHIN 50 FEET OF THE SOUTHERN RIGHT-OF-WAY OF NEW GARDEN ROAD. 7) THE MAXIMUM HEIGHT OF ANY PARKING DECK SHALL BE 50 FEET. 8) FROM A DISTANCE OF 300 FEET FROM THE EASTERLY MARGIN OF NEW GARDEN ROAD, RESTAURANTS WITH DRIVE-THROUGHS WILL NOT BE PERMITTED. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF NEW GARDEN ROAD SOUTH OF JOSEPH M. BRYAN BOULEVARD - FOR HIGHWOODS REALTY LIMITED PARTNERSHIP. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as the surrounding properties. He also presented slides of the subject property.

Chairman Wolf asked if there was anyone present who wished to speak in favor of this request.

Charlie Melvin, Esq., 300 North Greene Street, said he needed to add some zoning conditions. As a result of discussions with various people and particularly with the Jefferson Ridge Homeowners' Association Board of Directors, they were requesting that the Commission accept the addition of certain conditions.

Attorney Melvin asked that Condition No. 1 be amended as follows:

- 1) All uses permitted in the "SC" zoning district except sexually oriented businesses, as defined in the ordinances of the City of Greensboro, hotels, lumber supply stores, auto repairs or service stores and wholesale clubs. The uses will be predominantly commercial with complimentary uses such as office, residential and service.

Attorney Melvin asked that Condition Nos. 9,10 and 11 be added as follows:

- 9) There shall be no single use over 80,000 square feet, except for department store, furniture store or theatre and any department store, furniture store or theatre use shall not have a building footprint in excess of 112,000 square feet.
- 10) There shall be no grocery store containing over 30,000 square feet of gross floor area.
- 11) All exterior lighting fixtures and parking areas and driveways shall utilize cut-off shields or other appropriate measures to conceal the light source from adjoining properties and right-of-ways. The lights should be designed to avoid spillover glare beyond the boundaries of the property.

Mr. Gilmer moved acceptance of the amendment to Condition No. 1 and the addition of Condition Nos. 9,10 and 11, seconded by Mr. Schneider. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes, Shipman. Nays: None.)

Attorney Melvin said this request basically is to eliminate a condition that was placed on the property by the property owner, Highwoods, in 2000. That condition eliminated retail uses 300 feet from New Garden Road. The Commission will hear from other speakers about the reasons why that was done. That was done in 2000 and that is really what they are now trying to eliminate and, therefore, regain the retail uses that were allowed as permitted uses in 1997. When Highwoods determined that this was something they needed to do and desired to do several months ago, they began discussions first with the Planning staff and other individuals. During that process, there had been a number of meetings and discussions. They did determine, in discussions with the Planning staff, that it was consistent with the Comp Plan and was also consistent with staff's views for the area in 1997. The staff report gives you a good outline of that. After those meetings, Highwoods selected to do the development that you will hear outlined, if they are successful in getting the zoning condition changed.

Ms. McDonnell said that Mr. Melvin had said that basically this request just restores to the 1997 zoning. For her own clarification, she said it also looked like it restores it to the original zoning or the density allowable on the property, which predates 1997, and that to which the neighborhood objected; was that correct or what is the maximum density going to be allowable on this parcel?

Mr. Melvin said he did not believe there was any increase in density. The zoning, as he recalled it and Mr. Ruska could bear him out with this, that was placed in 1997 was 475,000 square feet, so they had not asked for any change here that would change the density that was permitted in 1997.

Ms. McDonnell asked Attorney Melvin to help her understand what it meant about the 800,000?

Attorney Melvin said that was the maximum for both. He said it was clearly their intent not to do anything at all that would increase any flexibility that was there in 1997 and, in addition, these

conditions offered today, which the Commission has accepted, had the purpose to assure the development of a lifestyle or a village style shopping area.

Ms. McDonnell said really then, just for the record and for her own clarification, it is restoring it to that which the surrounding neighborhoods had reached the agreement with Jefferson-Pilot at that time.

Mr. Ruska said he thought what Ms. McDonnell was thinking about was the initial square footage for the shopping center portion, which was 800,000 square feet. But that was before the discussions with the neighborhood.

Ms. McDonnell said she thought it was important for the public to understand that this request would restore to that which was agreed upon with the surrounding neighborhoods.

Attorney Melvin said that was their whole intent. He thought the staff report was very good in giving the Commissioners the history, etc. He said clearly that was their intent and he thought that was the actuality.

Mark Shumaker said he was Vice President and Triad Division Executive for Highwoods Properties. Highwoods Properties is a Raleigh-based real estate investment trust. They have been in the Greensboro and Triad region through their predecessors for more than 20 years. In addition to the subject property on New Garden Road and Bryan Boulevard, they own a majority of the real estate at the Highway 68/I-40 interchange. He said his point was they had been here a long time and they intend to stay in this community. They feel they have been good neighbors and they intend to be good neighbors in the future. They purchased the subject property in 1998-1999. The property was subject to covenants, conditions and restrictions, including architectural review.

Those continue to remain in effect today and will continue on this rezoning, if the Commission chooses to approve it. Whatever develops on that property will be subject to architectural review. What they are asking to do, as Mr. Melvin said, is consistent with the zoning that was in place when not only Highwoods purchased the property, but also the adjoining neighborhoods. The only exception to the existing neighborhoods is the Starmount Company at the time they purchased the property was in the process of developing Jefferson Woods, which is a single family subdivision. They met with that board and the Commission has a letter indicating their support. In early 2000, they came before this Commission and asked that the retail be removed primarily because they were dealing with a Fortune 500 company that had planned to locate their corporate headquarters at that location. That development involved the construction of parking deck structures. They did not want those parking decks to reduce the 800,000 square feet of development approved for the entire 80 acres, and the Commission approved that request. Unfortunately, that opportunity did not come to fruition and they developed their first and only office building so far on the corner, 100,000 square feet. They started construction in the fall of 2000 and, completed construction about one year later, and they have just reached, approximately 3 years later, 70 percent occupancy. The office market has been slow. Last summer, they began looking to the future to develop 800,000 square feet of office on that particular parcel and it will probably not occur during his career. Next they looked for the highest and best use, realizing that they had no plans to sell the remaining portion of the property and they hope that the office market is going to rebound so that they can develop two buildings comparable to what they have now. They wanted a good neighbor; they

wanted something that was going to create momentum, be an amenity for their park and for the adjoining neighborhood.

They then determined that boutique retail was the next highest and best use. They sought out over the next 6 to 8 months what they believed to be the most capable, qualified, upscale retail developer that could do what they were talking about, Zimmer Development out of Wilmington, NC, and he would introduce Mike Ogden in a moment and he can go through some of the details as to what they envision for the property or what they think fits in with their vision. He then respectfully requested approval of this request and listed the reasons why they thought the Commission should approve the request.

Mike Ogden said he was with Zimmer Development Company. As Mr. Shumaker mentioned, Zimmer is a family-owned development company based in Wilmington, NC. They do a lot of work up and down the east coast. They have developed approximately 6 or 7 million square feet of commercial space (they focus mainly on commercial space) in about 16 states. Certainly a lot of the development they do is focused here in North Carolina and South Carolina as well. The exhibit he had put on the monitor kind of goes back to the 1997 agreement that was reached with neighbors. One of the very first interesting things about this property was the planners working with the neighbors. There was a lake that forms the central core of the property. There was the retail component that was planned by Bryan Boulevard. There was an office component that Highwoods ended up purchasing, along with the retail. Kind of stepping away from the property, there were park areas, a school and some single family residential on the far side of the school and the park area. So there was a very logical mixed use plan put in place and it was also a very logical spacing of uses within that mixed-use area.

An aerial view of the property was placed on the monitor. He pointed out certain developments on the map, as well as the various roadways. To demonstrate their vision here, he was going to use a project that Zimmer is just getting well underway in Wilmington, called Mayfair Town Center or Mayfair. It is about a 400 acre piece of property that is in an upscale area and it has a town center commercial district as its core. It has a neighborhood shopping center component with a grocery store and the kind of uses that typically go with grocery stores. It has some single family components, much like the Jefferson-Pilot property here does now. It has an office park component and it also has some multifamily components, as well as some open space and park-type uses. So there were some amazing similarities between the projects, right down to the sizes. He enumerated the parts of the subject development that were already in place. Their vision, with the Commission's approval, was to develop a town center inspired retail development. He again said he would use Mayfair as an example, since they are very early in the process here. This example had been furnished the Commissioners and the applicant had shared it with other people in some of the neighborhoods. He then gave the Commissioners a pictorial vision of what they wanted to do here.

Ms. McDonnell said when Attorney Isaacson was talking earlier, she realized that she learned an entirely new vocabulary while being on this Commission. She said she had not heard "neo-traditional" in a long time. Is this sort of that kind of concept?

Mr. Ogden said the town center-commercial development style kind of falls out of neo-traditional. He thought neo-traditional started more with the focus on residential. And this kind of commercial has kind of followed behind that concept. You are trying to replicate some of those smaller town

feelings. With residential, you do things like place the garages in the back, get the houses or buildings close to the street, stroll along sidewalks and you're enhancing the pedestrian experience.

Chairman Wolf said the cynic would say this was going back to why we built Friendly Center and malls back in the 1950s, 1960s and 1970s to get out of the rain. He was in this very type of facility down in Georgia in a driving rain and it basically locked everybody into the store they were in because there was no way to go from one shop to the next. Now he said he would agree with Mr. Ogden, they are gorgeous. They look great; they are great in nice weather. But they are the reason why Friendly Center has long canopies and they are the reasons why we have malls, but they are gorgeous.

Chairman Wolf asked if there was anyone present who wished to speak in opposition to this request, and no one came forward.

Mr. Morgan said the present proposal returns the subject property to the way it was zoned in 1997. This request is consistent with Connections 2025's policies of providing compact development, ensuring that adequate land is available to accommodate economic development and ensuring that adequate land is zoned for business development. Furthermore, this request is compatible with the Generalized Future Land Use Map that designates this area as mixed use-commercial. The Planning Department recommends approval.

Chairman Wolf said Mr. Byrd had to abstain on this request. Ms. Wright left because she was not feeling well. The normal provision is that she counts as a "yes" vote, but the Commission could do a motion to excuse her.

Mr. Gilmer moved that Ms. Wright be excused from the balance of the meeting, seconded by Mr. Schneider. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Collins, McDonnell, Byrd, Haynes, Shipman. Nays: None.)

Mr. Gilmer moved Item E, an ordinance rezoning from Conditional District-Shopping Center, subject to the conditions set forth above, to Conditional District-Shopping Center, subject to the conditions set forth in the application and as amended or added above, seconded by Mr. Haynes. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Collins, McDonnell, Haynes, Shipman. Nays: None. Abstain: Byrd.)

E. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-7 RESIDENTIAL SINGLE FAMILY - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF PARKS STREET AND ON THE SOUTH AND WEST SIDES OF DODSON STREET SOUTH OF LUCAS AVENUE - FOR JOHN MARKS. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chairman Wolf asked if there was anyone present who wished to speak in favor of this request.

John Marks, 4608 West Wendover Avenue, said this property was a great example of infill use in that it is existing, it has the roads, has water and sewer, it is right down the street from a brand new elementary school, so it will help support the school, as well as the commercial down at Pisgah Church and at Church Street and Yanceyville. Right now, they are proposing nice starter homes for the property, similar to what he had been building before for which he had come before this Commission. These should provide a great use for first-time buyers. About 300 feet down the street south of the subject property there is an area the Commission approved for RS-7 a few months ago. From the present zoning to RS-7 is the distance of approximately 2 houses, but it will provide very good infill use. He felt the homes he would build would be an asset to the area.

For illustrative purposes, he passed out photos of different types of homes that they build. From a value standpoint, these homes will be substantially greater than the existing homes in the area. He had spoken to a lot of the adjacent homeowners, neighbors and people in the area. He received good comments back from some. He had tried to talk to the majority of the neighbors as to their intentions and again, he felt this would be an asset to the area. Also, first-time homebuyers need an area in which they can afford to go and they already have the new elementary school down the street to help support it. He said that they were proposing to have 8 homes on the property. In RS-12, he could get 7, according to his engineer. The RS-7 zoning allows the homes to be able to front on the streets a little better. They will have some bigger lots; they will be greater than 7,000 square feet. But it will allow them to fit better going down Parks and then going down Dodson.

Chairman Wolf asked if there was anyone present who wished to speak in opposition to this request.

Alene Scott, 1504 Dodson Street, said this was an old neighborhood. The roads were very crooked and very narrow. They have seen some new homes built since they moved there in 1977. This is a diverse neighborhood. They have basically all nationalities living there. They do not object to new homes and to new neighbors. Their concern was the streets. She referred to the monitor and said those were not just curves; they were basically hairpin turns. In the morning when the school buses come through, it takes the whole road for the buses, as well as the garbage trucks, UPS, FedEx and with all of these, you cannot pass. She thought even if it were curbed and guttered, unless they took some additional land to widen it, she didn't think you could still pass in those curves. On the second curve, there is the dividing line for the school districts. On one side of this hairpin curve, there are Rankin Elementary, Eastern Middle and Eastern High Schools. On the other side of that curve, there is Brightwood Elementary, which is the new school referred to, and there is Northeast Middle and Northeast High Schools. In addition to this, they have a magnet bus from Morehead Elementary that comes through there. These 6 school buses travel that road twice daily. Another concern of hers is that behind her home, there are 150 acres of undeveloped land. At 3 homes per acre, this land in the future will be developed at RS-12, which would be approximately 450 homes. At RS-7, that could be 750 homes. These 150 acres are between Dodson Street and Glenside. Her request was that the Commissioners look at the future of this area because of the narrow and curved roads. Twenty-seven new homes have already been approved in one of these hairpin curves. There are a lot of children in the neighborhood and people who walk on these narrow roads. She requested that the Commission look at this area for the next 5 to 10 years.

Heather Bowers, 1604 Lucas Avenue, said the backyard of her property was adjacent to the property where the house is now located. Her concern was if the subject property were rezoned to RS-7, it would allow 5 units per acre. She has .9 acre now so she could not even imagine how they

would situate 5 houses on an acre. One of the reasons they bought their house was for privacy with the large lot and room between the houses. Her concerns were the loss of privacy and the noise level that this would bring to her area. She felt if these were smaller houses, they would decrease the value of her home.

Chairman Wolf asked if the applicant would like 5 minutes for rebuttal.

Mr. Marks returned to the podium and said he did meet with Frank Wyatt as to the roads and he went out there himself and said everything was fine and actually gave him a letter to that effect, which he also gave to the Zoning and Planning Departments. From the standpoint of this, he knew it did not matter what they were building to those opposed, but the houses they will be building would be substantially greater in size than the ones there now. They will be 1,200, 1,300, 1,400 square foot houses, really good starter homes for people who have wanted to be able to afford a property. They will have a significantly greater value than the homes in the area. They will not be a detriment, but an asset to the community. They specialize in first-time homeowners, but sometimes get older people who want to scale down, but mostly first-time buyers who want to have children and want to be near an elementary school, etc.

Mr. Collins asked if the existing house on the northern part of the property would stay?

Mr. Marks said it would stay. Depending on the way that would situate, that would be one of the homes. He said basically there would be 4 homes on Parks Street and 4 homes on Dodson Street. The homes will have adequate back yards in which children could play.

Ms. Shipman said she traveled that road and that curve is pretty steep. In her opinion, you have to stop when a car gets ready to go around the curve and since he would be building new homes, perhaps they could look at the situation as to taking that bad curve out. That would be very important, especially when you have more families over there.

Mr. Marks said he would be glad to look at that. He had been over there an awful lot over the last month and a half and there have been cars going both ways on both turns every time he had done it. But it seemed to him the sharpest turn was down at the other end where Dodson goes past that new RS-7 that has been approved. He said he would get with Frank Wyatt and see what Engineering thought about taking out some of that curve.

Ms. McDonnell asked how much was a builder obligated in an instance such as this for the existing road? What improvements would he be responsible for versus could a stop sign be put at that bad curve?

Bill Judge, with GDOT, said when they are subdividing the property, they are required to bring up along their frontage to the minimum street design requirements. What he was speaking of earlier, with Frank Wyatt and a waiver, is that he has requested and been granted a waiver from doing curb and gutter improvements along those frontages because he doesn't intend to do additional curb and gutter internally for this development, such as additional streets. So eventually if other property to the east of this property were to subdivide, one option would be to extend Dodson over to Sheldon Road similar to the RS-7 to the south that has already been developed. That is being served by a southern extension of Dodson, which then takes that curve and makes it a T-intersection. So one option for long term, but it is not going to happen with this particular

development, would be to extend Dodson eastward over to Sheldon, create another T-intersection and this would require some street renaming in the area to keep from confusion through there. But in the meantime, the most likely solution would be to work with the developer or property owner to keep that inside of that curve clear for sight distance so that people can see other people approaching from the other direction.

Chairman Wolf asked if the opponents would like 5 minutes for rebuttal.

Alice Williams, 1613 Dodson Street, said her house is the house located on the sharp turn. Across from their property is where they are going to be building these 27 houses. It was her understanding there was only going to be one entrance and one exit to this property that is being built. So there are 27 houses that the vehicles are going to be entering Dodson Street at this curve. As has been stated before, any wide vehicle will take the whole road. She said she would appreciate the Commission considering all the things they had heard before they decided to permit the rezoning.

Mr. Morgan stated that the property to the south, west of Morgan Smith Drive and south of Dodson Street, was rezoned to RS-7 by City Council on August 19, 2003. The Zoning Commission unanimously approved that request. This proposal helps promote mixed income neighborhoods. Connections 2025 points out that Greensboro should continue to explore opportunities for community revitalization and the City should also continue to encourage the active involvement of private developers in providing quality, compatible infill houses in existing neighborhoods. This request is consistent with that policy. This request is compatible with the Generalized Future Land Use Map and with Connections 2025 objectives to promote compact urban development and provide affordable housing opportunities. The Planning Department recommends approval of this rezoning.

Mr. Gilmer moved Item F, an ordinance rezoning from RS-12 Residential Single Family to RS-7 Residential Single Family, seconded by Mr. Schneider. The Commission voted 7-1 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Collins, Byrd, McDonnell, Haynes. Nays: Shipman.)

Mr. Collins said there seemed to be quite a few folks that are experiencing traffic problems. Who would they contact at GDOT to find out what options are available?

Carrie Reeves, with GDOT, said they could contact through the main desk at 373-2332 and the administration will take down the request and GDOT will investigate it and see what they can do, if anything.

Mr. Collins said that was probably the route that should be taken because this Commission does not deal with traffic issues here, they deal with land uses, so that would be the best approach.

**G. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO
CONDITIONAL DISTRICT - RM-12 RESIDENTIAL MULTIFAMILY WITH THE
FOLLOWING CONDITION: 1) CROSS ACCESS WILL BE PROVIDED TO THE EXISTING
APARTMENTS SOUTH OF AND ADJACENT TO THE SUBJECT PROPERTY. - FOR A
PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF YANCEYVILLE**

STREET OPPOSITE THE INTERSECTION OF GUEST STREET - FOR MARWAN AND

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chairman Wolf asked if there was anyone present who wished to speak in favor of this request.

Karen Mujali, representing the owner of 3245 Yanceyville Street, said Mr. Mujali would like to add 30 apartments to the land behind the existing house. They will use the existing Dogwood Creek driveway for access to the new complex. The Dogwood Creek Apartments are also owned by Mr. Mujali, and they have 128 units. Their tenants are very happy in this community and it is a very quite and safe neighborhood. They now have studio, 1-bedroom and 2-bedroom units. They would like to build some 1-bedroom, 2-bedroom units and 3-bedroom units, giving their existing and new tenants room to grow. This project would also help with jobs and give this neighborhood a safe environment. The land behind the house is not being used. As they now see Greensboro growing by the day and we need more nice communities where people can live. They are also close to shopping centers, hospital and downtown. They are basically centrally located with access to the complete City within a few minutes.

Mr. Haynes said there were already apartments there zoned RM-12. He thought there were two houses between this project and those existing apartments.

Ms. Mujali said they owned the other house, which was zoned RS-9. So they want to keep that house, but put 30 new units behind the house and use the existing driveway of Dogwood Creek with cross access.

In response to a question from Mr. Byrd, Ms. Mujali said that would mean they would have a single family residence fronting Yanceyville Street and then the apartments behind it.

In response to a question from Mr. Haynes, Ms. Mujali said the cross access would be between buildings Nos. 2 and 3. She also has an easement in place so if at any time she wanted to sell Dogwood, she could sell it separately from the new complex. The only thing that they will have in common is the existing driveway of Dogwood Creek.

In response to a question from Mr. Gilmer, Ms. Mujali said she could put a driveway in where the existing single family house is located. However, cost-wise, since they do own the apartment complex, it would be more cost-efficient to use the existing driveway for the time being. In the future, if she wanted to have a new driveway, she could go to GDOT and have a new driveway.

Chairman Wolf asked if there was anyone present who wished to speak in opposition to this request.

Joe Tallent, 3304 Yanceyville Street, just up the street and on the opposite side from the subject property, said he simply was opposed to any more multiple housing in his neighborhood. Currently, they have multiple housing, 4 units within a half mile from where he lives, 3200 Dogwood Creek, 3200 Palmer House Apartments, 2600 Smoke Tree Apartments, 2600 on the opposite side of the street, Lake Spring. It seems that zoning, rezoning, commercializing is sort of like wiregrass - it just

keeps spreading. Currently, directly in front of his house across the street, there is a single unit

house with 6 acres of land currently up for sale. It isn't hard to see what's coming or what is attempting to come. He didn't want to leave the home that he now has, but also did not want to be surrounded by and crowded by multiple housing or any commercial development.

Claire Murphy, 3302 Yanceyville Road, said she lived next door to Mr. Tallent. She recognized, as was said earlier, that this Commission does not deal with traffic issues. However, Yanceyville is a 4-lane road. It takes her 15-20 minutes to get out of her driveway in the mornings. She has people walking across her yard every day and night. Is there not enough housing at the corner of Cone Boulevard and Yanceyville, as well as all the shopping center, the gas station? Why do you have to keep constantly pushing back into a residential neighborhood, because it is all residential. It stops right there at Dogwood Creek and goes towards Cone. She said they live on a busy street and they choose to do so. However, at some point, enough is enough and it does have to stop.

Ruth Klas, 3301 Yanceyville Road, said she was the next door neighbor to the apartments and to the house. She said she strongly objected to any more apartments being built there. She had taken pictures of the existing houses in the neighborhood and along Yanceyville Street. She had these placed on the monitor and explained what some of them were showing. The houses in this vicinity are well kept and lawns are well kept. The amazing thing is that most of her neighbors were like her, they are 60+ years old, which means that these houses mean a lot to them because they have spent a lifetime keeping up their houses and lawns and things that they hope to have for the rest of their life. Most of them are either retired or semi-retired and do not want to move to another area. Neither do they want to go into assisted-living houses. Eventually, they will be living in an area that is mostly apartments. So you have a choice of putting up with all the noise and traffic or selling your house. She thought when the Commissioners started thinking of rezoning, their thoughts should be about the 60+ ages. Granted, you want young people to come to Greensboro, you want them to have jobs, but she said they needed to make arrangements for the ones who were already here.

The old money is what helped build Greensboro, the young money may help in the future, but she thought the older people deserved to be heard and the Commission deserves the right to give them the privilege to be heard. The Commissioners should also take into consideration what they would want to do when they get their age. What will you want to do? Would you want to have to pull up stakes and move somewhere else? Do you want to have to go into one the senior apartments or senior houses, not because you want to go, but because you have to go? She had a photo of the white house next to her put on the monitor. Before the owner moved because she had become so frightened with all the traffic back and forth from the apartments, she was afraid to stay there. The house is almost demolished. It has not been kept up, there are no screens on the porch, the shingles have been torn off and there is no yard because it has not been kept up. She had a photo of the backyard of that house put on the monitor and said that was what she saw when she came home and was in her back yard. It looks like a city dump and she is the one who has to look at it. The house that was an immaculate house, very well kept up, is a city dump now. Nobody likes the house since it has been taken over by the owner of Dogwood Apartments. She said her question was: If you cannot take care of one house, how can you take care of 30 more? She said she had talked with the owner and had told her exactly what she was going to tell this Commission when she came here. She asked the Commission to let them live in peace and they did not need any more apartments in the area.

In response to a question from Mr. Byrd, Ms. Klas said she lived in the house next door to the

house in front of the subject property.

Mr. Byrd said the staff report indicated this was a very narrow property. He was curious, after you put an apartment building on here and the drive aisles and parking areas, what kind of buffer area is required between RM-12 and RS-9?

Mr. Ruska said they would have to maintain a minimum 20 foot building setback and that is also going to be the width of the required planting yard that would have to be placed adjacent to the single family. He said he did not know the property width because he didn't measure it. He further said they had asked that the single family house behind which the apartments are to be built also be requested for rezoning to RM-12. He said more than likely what they would have to do is cut that house out as a separate lot and then incorporate the rest of the property in with the Dogwood Creek Apartments.

Mr. Gilmer said there was a house in the immediate area that had 6 acres and it is on the market by a commercial real estate company. So it is possible that the Commission might have some more requests come in before us in the near future because that area will be changing.

Chairman Wolf said there were numerous examples of this type of development in which the Commission lets somebody punch through a new street and put single family houses back in the back on that back land. So he did not think they could imply from the fact that the house to right of her is for sale and that is necessarily going to go to multifamily.

Mr. Gilmer said he had just said that property would be changing and he wondered how the neighbors would feel if a single family development came in.

Chairman Wolf asked the applicant if she would like 5 minutes for rebuttal.

Ms. Mujali returned to the podium and said what makes her apartments unique is that they are all on ground level and older people and disabled people have better access to them. Secondly, she did send out letters stating that she wanted the rezoning and at that time she spoke with her neighbor. Before that, the neighbor had never made any attempt to tell her what was going on with the house that was next to her. The house in front of the proposed apartments will stay there. Whether she keeps it or she takes it down, she is only allowed to have 31 units so she was keeping the existing house.

In response to a question from Mr. Byrd, Ms. Mujali said she had a rough diagram showing how the 30 units would be situated on this narrow strip. She would be able to put 4 units, 2 on the front, 2 on the back side, all on ground level, so they will be handicapped accessible and for older people, easy to get in. That is what she mostly has at Dogwood Creek now and they don't have any problems at all.

In response to a question from Ms. Shipman, Ms. Mujali said she did have Section 8 apartments, which gave everybody opportunities. She will be working with the Greensboro Housing Authority. She does have Section 8 in Dogwood Creek now.

Mr. Byrd asked Mr. Ruska if the single family unit fronting Yanceyville were to be preserved, could

this rezoning request have been submitted and have that portion of the property omitted from the rezoning request?

Mr. Ruska said it could have been if they created a 9,000 square foot lot for it to stand on. That is what they may end up having to do because we have a requirement that says that you can't put a multifamily building behind and on the same zone lot as a single family dwelling. So they may have to cut that out and make that a separate lot. He said if the property does get rezoned, then instead of a 9,000 square foot lot for a single family, they could go to 7,000 square feet because that is the single family lot size under RM-12.

Mr. Collins asked if there could have been a condition that the single family residence stays? Was that something the applicant could have done?

Mr. Ruska said then you run into that problem about having a multifamily building behind and on the same zone lot as the single family dwelling. So his opinion was that they would have to create a separate lot for that single family, if they wanted to keep that and it would be a separate zone lot that way.

Ms. Mujali said when she met with Ben Woody, he had counted the house as one unit, saying that she could leave the house and that would give her 30 new units plus the house as 1, or she could take the house down and put just one other unit there. In total, she was allowed 31 units there.

Chairman Wolf said that might have to be revisited in the approval process, if she were successful in the rezoning.

Chairman Wolf asked if the opponents would like 5 minutes for rebuttal.

Claire Murphy returned to the podium and said she had sat here since 2 o'clock and she had heard a lot of different things. One of the issues with an earlier request was that townhouses and condominiums were good and they didn't bring down property values. She said that apartments do. Section 8, lower income housing, does. You are looking at houses way over the \$100,000 mark that are not small houses. They are talking 1,700 to probably over 2,000 square feet there. If she tears down that house and makes another entrance there, that will just push it further back into residential living and she probably would move. She would have no problem with single family houses being built. She said she had 13 rental houses and she had no issue with that.

Ms. Klas said she just had one other thing she wanted to say. She was sure all of the Commissioners knew what Section 8 represents. She had nothing against low income housing, but when she works as hard as she worked to try to get a house where she could live decently and have a decent place to live, she thought she deserved the right to stay there. She thought that everybody else in this neighborhood deserves the same thing. This is an old neighborhood. It was built by Cone Mills. Most of these people worked from that sweat and from farms. It was not something that was easy to come by. This was farm area at one time. A home is not something that is just handed to you on a silver platter; it is something that is special and it's something that means something. She suggested that the Commissioners think hard before they decided to rezone this property where Section 8 apartments can be built. If you would have to have them next door to you, then you vote yes.

In response to a question from Mr. Gilmer, Mr. Ruska said the Dogwood Creek apartments were

built in 1988. They were initially zoned Conditional Use - Institutional 100 and at the time of the Citywide remapping to implement the Unified Development Ordinance, it was converted to RM-12.

Mr. Morgan said the Zoning Commission rezoned the property to the south to CU-Institutional 100 in 1988. This property contains the Dogwood Creek Apartments. The use of this property was restricted to multifamily with a maximum of 128 dwellings units. At the time of the Citywide remapping to implement the UDO, this adjacent property was designated as RM-12. The area requested for rezoning is classified as mixed use-commercial on the Connections 2025 Generalized Future Land Use Map. High density, mixed income housing is supported by this land use classification. The applicant is the current owner of the Dogwood Creek Apartments located immediately to the south of this request and as stated in the condition, this request is being made to allow an expansion of existing apartments. This request is a reasonable extension of the adjacent zoning to the south and it is consistent with Connections 2025 objectives to promote compact urban development and provide affordable housing opportunities. The Planning Department recommends approval of this rezoning.

Mr. Haynes commented that he was going to oppose this because you're rezoning this to CD-RM-12 and you have a single family house on the property. Without that condition to remove the house, he could not vote for it.

Ms. Shipman said she was going to agree with Mr. Haynes that she thought there needed to be more work done on what they are going to do about the single family home and that to her was just not fitting right as far as the families and people who are already there who are buying their homes and have been in that neighborhood for a pretty good while. She thought the property was already enough so she was going to oppose it, as well.

Chairman Wolf said he personally thought the house was irrelevant to it. He just did not like the extension of the apartment complex at all. He believed that the City has a need for apartment complexes, but he thought he had said before that they need to come with some master development plans, they need to have appropriate buffers, they need to be consistent and a nice transition from single family from townhouses to apartments, much like you've had in some of their planned developments in town. He did not believe just expanding this one and encroaching into the single families to the north makes any sense whatsoever, regardless of what sits on the front of the property. So he too was in opposition to it.

Mr. Byrd said he would be voting in opposition, as well. Just to expand upon the thoughts that Chairman Wolf just expressed it is one thing to talk about townhome and single family detached residences being compatible and having no problem with having those developed in proximity to one another. However, he did not necessarily view apartments adjacent to existing single family detached in the same manner. He too believed that when you have an apartment that, if it's going to be developed next to an existing single family development, there have to be some generous buffers there. He just did not think this property was laid out in such a way that those could be provided for. Therefore, he would be voting in opposition to the rezoning.

Mr. Schneider said he was going to be against it also. He would be much more inclined to be with it if there were some conditions for the buffers and they would remain with the rest of them as a one

story, which right now the Commission has nothing that says anything about its being of different

character.

Mr. Haynes moved Item G, an ordinance rezoning from RS-9 Residential Single Family to Conditional District - RM-12 Residential multifamily, subject to the condition set forth in the application, seconded by Mr. Gilmer. The Commission voted 0-8 in support of the motion, thus denying the request. (Ayes: None. Nays: Wolf, Gilmer, Schneider, Collins, Byrd, McDonnell, Haynes, Shipman.)

J. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT - RM-18 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITION: 1) USES LIMITED TO A MAXIMUM OF 31 SINGLE FAMILY DETACHED LOTS AND A MAXIMUM OF 12 TOWNHOUSE UNITS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF YANCEYVILLE STREET NORTH OF LANKFORD STREET - FOR BECK STREET PROPERTIES. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as the surrounding properties. He also presented slides of the subject property.

Chairman Wolf asked if there was anyone present who wished to speak in favor of this request.

Scott Teeters said he was a resident of Northeast Guilford County and the member-manager of Beck Street Properties. Mr. Ruska had given the particulars of this request. The reason he did not wish the property rezoned to RS-7 was that he wanted to do some mixed use. In the condition, if you count the 31 single family lots and the 12 townhouses, his density still was right at RS-7 or under. They will come in just north of the existing house on Yanceyville with a street. These are for illustrative purposes only since he has not met with Jimmy Person and Bill Judge with GDOT about the stub street. Basically, what he will try to end up with would be a street coming off of Yanceyville, single family residents on both sides, and the 12-unit townhouses, which probably will be 2 buildings, in the far right-hand corner. By doing this, his density would stay within an RS-7, but his house lots will be a little larger. He presented a rough sketch for illustrative purposes, saying that was what he would like to see there.

Chairman Wolf asked if there was anyone present who would like to speak in opposition to this request.

Paul Sands said they own the house right beside where they are coming into now (a photograph of the house had been shown on the monitor). They built their house in 1966, but left Greensboro in 1977 and still own the property and rent it. It is rented to a family with small children. Every lot on Yanceyville Road from the property that they just bought is 100 by 500 feet deep and it is zoned for 3 units per acre and each of them has one house on an acre. From what he could determine, they would be bringing in a road and there was 200 feet of property there. He didn't know they would be able to do that, but they probably needed to talk about that too. His concern was safety of the children in the area, or the children who live in their rental property and also the impact of what it will do to the neighborhood. He said every one of the people who live in the houses shown on the map have lived there since before they were there in 1966. He said Mr. Teeters said it would basically be RS-7 properties, so why did he not rezone it as RS-7? He thought 18 units per acre

were kind of strong for that area. He said they were talking about 31 single family units and 12

townhouse units or 33 units total times 2 cars going out of one driveway going in on Yanceyville Road. The curve on Yanceyville Road, right at the bottom of the screen where the street comes in, comes right there going towards their property. When they lived there, it was once every couple of weeks that somebody ran off the road and into the ditch, hit a tree or came to the house so they called the police or ambulance, etc. There would be approximately 64 cars coming through there. He said that was the first problem. He talked with 2 or 3 of the neighbors, not too many of them, but one of them said he had talked to half a dozen of them and they said that they are all opposed to it. He said he didn't really know if he was opposed to it. He was concerned about the safety of the children in the neighborhood and he was concerned about the property that these people have bought after working so hard to own the property. Now they are faced with multi units in their area. He said they owned the property in the back. The vacant lot was next to their property and then the triangle in the back was their property also. He said while the other neighbors thought the value of their property might drop, his property value would probably go up if they build those houses in there. However, there was no way they could get to their property unless they tore down their house. His main concern was 34 units in an area designed for 9 units on 9 acres. It is zoned for 3 units per acre, and now they want it rezoned to 18 units per acre. What if he changes his mind and doesn't build 31 houses and 14 townhouses? What if he sells the property?

Chairman Wolf said in such event, it would have to come back before this Commission.

He said the only property that has been sold in that 2-3 block area was the property Beck Street Properties just bought. He said he and his wife live in Whispering Pines now, but before he turned his toes up, he hoped to come back to Greensboro before he did that so he could go out close to 29-North because that was where their cemetery plots were. However, he did not know if he would want to come back to that house if there were 6 houses right beside his property and they go 500 feet deep back into the woods. When Mr. Teeters bought the property about a year ago, he had called him and told him what he was planning to do. However, he talked to someone in the Planning Department when they proposed this. He took a look at all the property in the area and said he couldn't see how, with no more ingress and egress, how anybody could approve more than 3 units per acres in that neighborhood, so he wasn't too concerned. But now he was concerned. He was concerned about the traffic on the curve there at 3806 where this property is located. He thought the Commission should look at this for another 30 days. He knew the Commissioners were not the traffic cops, as had been explained several times, but maybe if he is going to put in RS-7, he should put in RS-7.

Chairman Wolf asked Mr. Sands why he bought the land behind his house?

Mr. Sands said his father-in-law bought it 40 or 50 years ago and 3 years before his death, he gave it to Ms. Sands. It has been in the family a long time.

Chairman Wolf said as they go to more density, although density should not be the goal in and of itself, there are a lot of areas in town in which there are a lot of large acreage tracts behind homes. Westridge is a good example in which there have been numerous examples of this very same thing being done where you take a couple of lots, punch in a road and put houses down the sides of the road. When he looked at the density here, he had some question about the townhouses being stuck down there, but the density when he has limited it to 31 plus 12, his density isn't anywhere near the RM-18. He is only talking about 5 units per acre total here, although he questioned

whether the townhouses really belong in there because it looks too much like an afterthought. But if

he did all single family in there at the sizes he's looking at, he is still going to be in that 4-5 units per acre. He didn't know what the RM-18 did for him dimension-wise, but there must have been some reason to go to that. That must help him with lot width probably, but his density is limited by that condition, so don't think since it would be RM-18, he would be doing 18 units per acre. It is clearly limited to the 31 and to a total of 43 units in there. He said this Commission had many times larger labeled densities put on things, but had it conditioned to bring the density down. He said the Commission was not opening the barn door just because it was RM-18. It has conditions and they will live by those conditions.

Mr. Sands said his biggest concern was that they would have 68 cars going in and out that one street every morning and every afternoon and sometimes more than once. The family in his rental house has 3 small children and he would hope that they would have something to protect those children from the street to be put in there. He said their backyard comes to the side of the Sands' existing house. He asked how much property did a road have to have, how many feet?

Bill Judge, with GDOT, said the width of a public street right-of-way was 50 feet. Curb to curb was 30 feet face-to-face. You have to have 50 feet of actual property; the actual street is only 30 feet.

Judy Sands, wife of Paul Sands, said she thought about the person who talked about Yanceyville Road. They do have enough townhouses and apartments on Yanceyville. Pisgah Church, Lees Chapel Road - all that area has apartments and townhouses galore. They are about to sink in northeast with townhouses and apartments. It would be wonderful if he would use that for houses, but that other property that was RS-7 that was just rezoned in August, they are going to develop that and it probably will be apartments. She said they just have enough - enough is enough. Mr. Teeters had not shown them anything that would protect their property.

Chairman Wolf asked if the applicant would like 5 minutes for rebuttal.

Mr. Teeters returned to the podium and said he just wanted to clarify a few things and he was sure the Commission caught it. There was some confusion there. When he purchased this piece of property, Mr. Sands was the first one he called because he lived in Whispering Pines and asked if he wanted to sell his property. He never realized that Yanceyville was this bad a road. He had gone to church right there in that curve for the last 12 years and he never thought Yanceyville was that bad a road until he had sat here today. He said he had ties to this place. It was not like he was asking for mobile homes or anything like that. But they did it right. He thought his density would be 4.8 units per acre. He asked for RM-18; that was something that Mr. Ruska and he talked about. It gives him a little bit bigger lots for the single family residence. He knew he had some greenway that is going to have to be given in that far left corner of that property. The drawing he had shown was preliminary, but he was asking for these conditions and he understands if he gets them, that is it, they are there.

Chairman Wolf asked the opponents if they wished 5 minutes for rebuttal.

Mr. Sands returned to the podium and said they didn't sell the house when they left in 1977 and they were not going to sell the house now.

Mr. Morgan stated that a 7.3 acre parcel to the northeast of the subject property was rezoned to

RS-7 in 2003. The multifamily zoning adjacent to the south side of the subject property was approved by the City Council in May of 1962. The Shepherd House Assisted Living facility and the Regents Apartments, which consist of 56 units, are adjacent and nearby uses located to the south and southeast respectively. The site is designated as low residential in the Connections 2025 Generalized Future Land Use Map. The proposed development, consisting of a maximum of 31 single family and 12 townhomes meets the guidelines of low residential classification. As proposed, the site would develop to the maximum density of 4.8 dwelling units per acre. This request is consistent with the Generalized Future Land Use Map and with Connections 2025 objectives to promote compact urban development and provide for mixed income neighborhoods and affordable housing opportunities. The Planning Department recommends approval of this rezoning request.

Mr. Gilmer moved Item J, an ordinance rezoning from RS-12 Residential Single Family to Conditional District - RM-18 Residential Multifamily with the condition as set forth in the application, seconded by Mr. Schneider.

Mr. Gilmer said he would be supporting this because he thought it was a great opportunity for different incomes. He thought it was very neat to have single family as well as multifamily coming in in the initial stage of undeveloped property. So he would be supporting it.

Chairman Wolf said he was not comfortable with the townhouse part of it. He said he was usually somebody who was really in favor of townhouses. He said he needed something more concrete and better thought out and not like an afterthought in the back rear corner of this development. He was just not comfortable with it. He would be comfortable with all single family in there. There are many examples of punching in that kind of thing into a single family neighborhood around town, but he just did not like seeing what he saw and how little it has been thought out of how to make the thing work. So he was in opposition to it as it currently is proposed.

Mr. Gilmer said the townhouses being located in the back was a great choice. He would rather see it in the back, rather than in the front, if you were going to have it. He thought it was a great opportunity.

Mr. Byrd said he agreed that the plan that they saw looked like it had been thrown together somewhat and he would have more concern about the placement of the townhomes if the single family that is going to be developed were already developed. He thought it was certainly in Mr. Teeters' interest to develop the townhomes in a way that is going to be compatible with the remainder of the single family units he is going to build for purposes of selling those single family units. So he was going to vote in favor of the request.

Chairman Wolf said there was a motion by Mr. Gilmer, seconded by Mr. Schneider, moving the ordinance. The Commission voted 6-2 in favor of the motion. (Ayes: Gilmer, Schneider, Collins, Byrd, McDonnell, Shipman. Nays: Wolf, Haynes.)

ITEMS FROM THE PLANNING DEPARTMENT:

None.

ITEMS FROM THE ZONING COMMISSION MEMBERS:

Chairman Wolf said he should have done this at the beginning of the meeting, but they had a new member, Portia Shipman, and she was at the joint meeting a couple of weeks ago and the Commissioners were glad to have her with them.

Ms. Shipman responded that she was glad to be here.

* * * * *

There being no further business before the Commission, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Robert W. Morgan
Assistant City Manager

RWM/jd.ps